



The Journal OF THE *House of Representatives*

FIRST SPECIAL SESSION—"A" of 2000-2002

Number 2

Tuesday, December 12, 2000

The House was called to order by the Speaker at 10:00 a.m.

Prayer

The following prayer was offered by the Reverend John F. Green of Bethel AME Church of Tallahassee, upon invitation of Rep. Richardson:

O God, we gather this hour in Your name to deliberate the affairs affecting the great people of this great state of Florida. We pray that You would open our minds to the significance of our duties and the blessings of truth and fairness.

We meet today aware of our desire for greatness and to serve rather than to be served. But we delight in the knowledge that by the power of Your spirit we can work together with loving compassion and in humble service.

Speak to us, O God, as You spoke ages ago bringing order out of chaos. Speak to us in these troubled times and give us the will and the spirit to let order and peace prevail.

Shed Your light upon us so we may see clearly that in our lives, our labor, and the tough decisions of each day, You are with us. We invite You into the sessions of today and the days to come, so that as we begin and end we can truly say, Your power, not ours, and Your presence prevailed. Amen.

The following Members were recorded present:

Session Vote Sequence: 2

The Chair	Bowen	Flanagan	Jennings
Alexander	Brown	Frankel	Johnson
Allen	Brummer	Gannon	Jordan
Andrews	Brutus	Garcia	Joyner
Argenziano	Bucher	Gardiner	Justice
Arza	Bullard	Gelber	Kallinger
Attkisson	Byrd	Gibson	Kendrick
Atwater	Cantens	Goodlette	Kilmer
Ausley	Carassas	Gottlieb	Kosmas
Baker	Clarke	Green	Kottkamp
Ball	Cusack	Greenstein	Kravitz
Barreiro	Davis	Haridopolos	Kyle
Baxley	Detert	Harper	Lacasa
Bean	Diaz de la Portilla	Harrell	Lee
Bendross-Mindingall	Diaz-Balart	Harrington	Lerner
Bennett	Dockery	Hart	Littlefield
Bense	Farkas	Henriquez	Lynn
Benson	Fasano	Heyman	Machek
Betancourt	Fields	Hogan	Mack
Bilirakis	Fiorentino	Holloway	Mahon

Mayfield	Paul	Russell	Stansel
Maygarden	Peterman	Ryan	Trovillion
McGriff	Pickens	Seiler	Wallace
Meadows	Prieguez	Simmons	Waters
Mealor	Rich	Siplin	Weissman
Melvin	Richardson	Slosberg	Wiles
Miller	Ritter	Smith	Wilson
Murman	Romeo	Sobel	Wishner
Needelman	Ross	Sorensen	
Negron	Rubio	Spratt	

A quorum was present.

Pledge

The Members, led by Bryars Byrd and Michael Fowler, pledged allegiance to the Flag. Bryars Byrd, son of Rep. Byrd, and Michael Fowler served at the invitation of the Speaker.

Correction of the Journal

The *Journal* of December 8 was corrected and approved as corrected.

Motion to Defer Printing of Remarks

On motion by Rep. Byrd, the Clerk was permitted to print, in an addendum to today's *Journal*, remarks made on the floor today pursuant to the Special Rule.

Introduction and Reference

By Representative Byrd—

HCR 3-A—A concurrent resolution providing for adjournment of the House of Representatives for more than 72 consecutive hours.

—was read the first time by title.

Special Orders

HCR 1-A—A concurrent resolution providing for the manner of appointing electors for President and Vice President of the United States, providing for the appointment of such electors; providing for the filling of vacancies.

WHEREAS, an election was held in this state on November 7, 2000, for the purpose of selecting electors from Florida to cast the state's vote for President and Vice President of the United States of America on December 18, 2000, and

WHEREAS, Article II, Section 1 of the Constitution of the United States provides, in pertinent part, that "Each State shall appoint, in

such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress,” and

WHEREAS, Section 5 of Title 3 of the United States Code provides:

“If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned,” and

WHEREAS, the names of the electors who were appointed following the Florida Secretary of State’s certification on November 26, 2000, were forwarded to Congress by the Governor of the State of Florida with a certificate of ascertainment pursuant to a timetable and scheme dictated by the November 21, 2000, decision of the Florida Supreme Court, and that decision has been vacated by the December 4, 2000, ruling of the Supreme Court of the United States, thus increasing the uncertainty and confusion regarding the validity of the appointment of those electors, and

WHEREAS, the electors who were appointed on November 26, 2000, are the same electors as those who would have been appointed pursuant to a certification made on November 17, 2000, had the Florida Secretary of State been allowed to do so, and

WHEREAS, it appears that there exists a reasonable risk that the Congress of the United States, in exercising its counting powers pursuant to the Twelfth Amendment of the Constitution of the United States and Title 3 of the United States Code over the votes cast for President and Vice President by the members of the Electoral College, may determine that the election held in this state for the purpose of choosing electors has failed to make a choice on the day prescribed by law because contests and controversies have arisen concerning that election, and that the Congress may decide that those contests and controversies either were not finally determined by December 12, 2000, or that such determination was not pursuant to pre-existing election law or was not in compliance with Article II, Section 1 of the United States Constitution, and that accordingly Congress may not count the votes of the 25 electors already certified and sent to the Congress by the Governor of the State of Florida, and

WHEREAS, the Florida Legislature wishes to fulfill its constitutional obligation to ensure that Florida’s six million voters are not disenfranchised and that its 25 electoral votes will be counted by Congress, and

WHEREAS, Section 2 of Title 3 of the United States Code provides that “Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such manner as the Legislature of such State may direct,” NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the Florida Legislature finds that the election for electors for President and Vice President of the United States of America held on November 7, 2000, ultimately failed to make a choice of such electors.

BE IT FURTHER RESOLVED that the manner that the Florida Legislature directs that electors for President and Vice President of the United States of America be appointed in the year 2000 is by appointment by the Florida Legislature.

BE IT FURTHER RESOLVED that the Florida Legislature hereby appoints as the 25 electors for President and Vice President of the

United States of America, such number being equal to the whole number of Senators and Representatives to which the State of Florida is entitled in the Congress, the following named persons: Charles W. Kane, Maria De La Milera, Sandra M. Faulkner, H. Gary Morse, Armando Codina, Carole Jean Jordan, Tom Slade, Marsha Nippert, Robert L. Woody, John Thrasher, Mel Martinez, Feliciano M. Foyo, Al Hoffman, Alfred S. Austin, Thomas C. Feeney, III, John M. McKay, Cynthia M. Handley, Darryl K. Sharpton, Dr. Adam W. Herbert, Berta J. Moralejo, Jeanne Barber Godwin, Deborah L. Brooks, Dr. Dorsey C. Miller, Glenda E. Hood, and Dawn Guzzetta.

BE IT FURTHER RESOLVED that, if for any reason an elector appointed by this resolution is unable to serve because of death, incapacity, or otherwise, the Governor of the State of Florida may appoint a person to fill such vacancy who is a citizen of the State of Florida, who was registered and otherwise eligible to vote in the general election held on November 7, 2000, and who is not prohibited from serving as an elector under Article II, Section 1 of the United States Constitution.

BE IT FURTHER RESOLVED that each elector for President and Vice President of the United States appointed by this resolution shall, before 10 a.m. on December 18, 2000, give notice to the Governor of the State of Florida that such elector is in Tallahassee and ready to perform the duties of an elector for President and Vice President of the United States and, if it shall be found that one or more electors appointed pursuant to this concurrent resolution are absent, the electors present, subject to the provisions of section 103.061, Florida Statutes, shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of the elector.

—was read the second time by title.

Rep. Goodlette briefly explained the Special Rule for HCR 1-A, which was adopted on Friday, December 8.

The Speaker referred to Rule 2.3 relating to the preservation of order and decorum.

REPRESENTATIVE MELVIN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative(s) Cantens offered the following:

(Amendment Bar Code: 073213)

Amendment 1—On page 4, lines 6 - 13
remove from the bill: all of said lines

and insert in lieu thereof: following named persons: Charles W. Kane, whose address is or was 4084 S.E. Fairway East, Stuart, Florida 34997; Maria De La Milera, whose address is or was 398 West 53rd Street, Hialeah, Florida 33012; Sandra M. Faulkner, whose address is or was 1850 Stable Trail, Palm Harbor, Florida 34685; H. Gary Morse, whose address is or was 1100 Main Street, The Villages, Florida 32159; Armando Codina, whose address is or was 2 Alhambra Plaza, PH 2, Coral Gables, Florida 33134; Carole Jean Jordan, whose address is or was 1525 Old Dixie Highway, Vero Beach, Florida 32960; Tom Slade, whose address is or was 200 West College Avenue, #308, Tallahassee, Florida 32301; Marsha Nippert, whose address is or was 1520 Blue Heron, Sarasota, Florida 34239; Robert L. Woody, whose address is or was 608 S.E. 12th Street, Gainesville, Florida 32641; John Thrasher, whose address is or was The Capitol, Room 420, Tallahassee, Florida 32399; Mel Martinez, whose address is or was P.O. Box 1393, Orlando, Florida 32802-1393; Feliciano M. Foyo, whose address is or was 5915 Grenada, Miami, Florida 33146; Al Hoffman, whose address is or was 11200 Longwake Chase Court, Ft. Myers, Florida 33908; Alfred S. Austin, whose address is or was 1211 N. Westshore Blvd., Tampa, Florida 33607; Thomas C. Feeney, III, whose address is or was 28 W. Central Blvd., Orlando, Florida 32801; John M. McKay, whose address is or was P.O. Box 111, Bradenton, Florida 34206; Cynthia M. Handley, whose address is or was 10 Willow Green Drive, Cocoa Beach, Florida

32931; Darryl K. Sharpton, whose address is or was One SE Avenue, Suite 2100, Miami, Florida 33131; Dr. Adam W. Herbert, whose address is or was 325 W. Gaines Street, Tallahassee, Florida 32399; Berta J. Moralejo, whose address is or was 7008 Oakview Circle, Tampa, Florida 33634; Jeanne Barber Godwin, whose address is or was 46 Star Lake Drive, Pensacola, Florida 32507; Deborah L. Brooks, whose address is or was 3033 SW 53rd Street, Ocala, Florida 34478; Dr. Dorsey C. Miller, whose address is or was P.O. Box 1738, Ft. Lauderdale, Florida 33301; Glenda E. Hood, whose address is or was 400 S. Orange Avenue, Maitland, Florida 32801; and Dawn Guzzetta, whose address is or was Palm Beach Sheriff's Ofc., 3228 Gun Club Road, West Palm Beach, Florida 33406-3001.

Rep. Cantens moved the adoption of the amendment, which was adopted.

Representative(s) Frankel, Wiles, Kosmas, Henriquez, Smith, Wilson, Ryan, Heyman, Bucher, Cusack, Gannon, Romeo, Lerner, Peterman, Holloway, Jennings, Justice, Wishner, Weissman, Bendross-Mindingall, Brutus, Bullard, Joyner, Lee, Rich, Siplin, Slosberg, Sobel, Gelber, Meadows, Harper, McGriff, Betancourt, Gottlieb, Ausley, and Greenstein offered the following:

(Amendment Bar Code: 113811)

Amendment 2 (with title amendment)—
remove: everything after the resolving clause

and insert in lieu thereof:

That the Florida Legislature take no action to interfere with the lawful ongoing election process created prior to the election of November 7, 2000.

BE IT FURTHER RESOLVED that the Florida Legislature congratulate the next President of the United States.

And the title is amended as follows:

remove: everything before the resolving clause

and insert in lieu thereof:

WHEREAS, Article II, Section 1 of the Constitution of the United States provides, in pertinent part, that "Each state shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in Congress," and

WHEREAS, the Legislature of this state has placed the decision for election of the President of the United States, as well as every other elected office, in the citizens of this state through a statutory scheme as set forth in section 103.011, Florida Statutes, and

WHEREAS, an election was held in this state on November 7, 2000, for the purpose of selecting electors from Florida to cast the state's vote for President and Vice President of the United States of America on December 18, 2000, and

WHEREAS, on November 7, 2000, over 6 million Floridians went to the polls to vote for President and Vice President, and

WHEREAS, on November 8, 2000, George W. Bush was leading in Florida's popular vote according to initial returns reported by Florida's 67 counties, and

WHEREAS, Florida law provides that any candidate shall have the right to protest the returns as being erroneous, and further that "the county canvassing board may authorize a manual recount" pursuant to section 102.166(4)(c), Florida Statutes, and

WHEREAS, Al Gore filed a protest of the November 7 election and requested a manual recount in certain counties where punch card ballots were used, and

WHEREAS, the manual recount was not completed, and

WHEREAS, on November 26, 2000, Florida certified its 25 presidential electors for George W. Bush, and

WHEREAS, on November 26, 2000, Governor Jeb Bush signed an ascertainment of such certification and delivered such ascertainment to the National Archives, and

WHEREAS, Florida law provides that after the certification of an election, an unsuccessful candidate may contest the results of an election if there is a "receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election" pursuant to section 102.168(3)(c), Florida Statutes, and

WHEREAS, Florida law provides that an election contest shall be resolved in a judicial forum pursuant to section 102.168, Florida Statutes, and

WHEREAS, Al Gore filed a complaint, Albert Gore and Joseph Lieberman vs. Katherine Harris, as Secretary, etc., et al., in the Circuit Court for Leon County contesting such certification, and

WHEREAS, the Legislature has mandated that no vote shall be ignored "if there is a clear indication of the intent of the voter" on the ballot, unless it is "impossible to determine the elector's choice" as provided for in section 101.5614(5)-(6), Florida Statutes, and

WHEREAS, the Legislature has also provided that the focus of any manual examination of a ballot shall determine the voter's intent as provided in section 102.166(7), Florida Statutes, and

WHEREAS, the Legislature has specifically authorized the circuit court judge to "fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked, to prevent or correct any alleged wrong, and to provide any relief appropriate under such circumstances" pursuant to section 102.168(8), Florida Statutes, and

WHEREAS, the matter of the contest of George W. Bush vs. Albert Gore now lies in the United States Supreme Court, and

WHEREAS, the will of the people should be paramount to the will of the Legislature, and

WHEREAS, thousands of our forefathers and mothers have struggled and died for universal suffrage, and

WHEREAS, the right to vote is the right to participate; it is also the right to speak, but more importantly the right to be heard, and

WHEREAS, the Legislature's appointment of electors would violate Section 1 of Title 3 of the United States Code and would set a dangerous precedent which could lead other states to follow Florida's example and disenfranchise their electorates, and

WHEREAS, we should respect the rule of law, NOW, THEREFORE,

Rep. Frankel moved the adoption of the amendment.

On motion by Rep. Frankel, further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

The House returned to consideration of HCR 1-A.

On motion by Rep. Frankel, the House returned to consideration of **Amendment 2**.

The question recurred on the adoption of **Amendment 2**.

On motion by Rep. Frankel, further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

The House returned to consideration of HCR 1-A.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Rep. Frankel suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 3].

The question recurred on the adoption of **Amendment 2**, which failed of adoption. The vote was:

Session Vote Sequence: 4

Yeas—41

Ausley	Gottlieb	Lerner	Siplin
Bendross-Mindingall	Greenstein	Machek	Slosberg
Betancourt	Harper	McGriff	Smith
Brutus	Henriquez	Meadows	Sobel
Bucher	Heyman	Peterman	Weissman
Bullard	Holloway	Rich	Wiles
Cusack	Jennings	Richardson	Wilson
Fields	Joyner	Ritter	Wishner
Frankel	Justice	Romeo	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

Nays—79

The Chair	Brummer	Haridopolos	Mealor
Alexander	Byrd	Harrell	Melvin
Allen	Cantens	Harrington	Miller
Andrews	Carassas	Hart	Murman
Argenziano	Clarke	Hogan	Needelman
Arza	Crow	Johnson	Negron
Attkisson	Davis	Jordan	Paul
Atwater	Detert	Kallinger	Pickens
Baker	Diaz de la Portilla	Kendrick	Prieguez
Ball	Diaz-Balart	Kilmer	Ross
Barreiro	Dockery	Kottkamp	Rubio
Baxley	Farkas	Kravitz	Russell
Bean	Fasano	Kyle	Simmons
Bennett	Fiorentino	Lacasa	Sorensen
Bense	Flanagan	Littlefield	Spratt
Benson	Garcia	Lynn	Stansel
Berfield	Gardiner	Mack	Trovillion
Bilirakis	Gibson	Mahon	Wallace
Bowen	Goodlette	Mayfield	Waters
Brown	Green	Maygarden	

The House returned to consideration of HCR 1-A.

REPRESENTATIVE MELVIN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Recessed

The House stood in informal recess at 3:03 p.m., to reconvene upon the call of the Chair.

Reconvened

The House reconvened at 3:18 p.m.

The House returned to consideration of—

HCR 1-A—A concurrent resolution providing for the manner of appointing electors for President and Vice President of the United States; providing for the appointment of such electors; providing for the filling of vacancies.

WHEREAS, an election was held in this state on November 7, 2000, for the purpose of selecting electors from Florida to cast the state's vote for President and Vice President of the United States of America on December 18, 2000, and

WHEREAS, Article II, Section 1 of the Constitution of the United States provides, in pertinent part, that "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress," and

WHEREAS, Section 5 of Title 3 of the United States Code provides:

"If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination

of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned," and

WHEREAS, the names of the electors who were appointed following the Florida Secretary of State's certification on November 26, 2000, were forwarded to Congress by the Governor of the State of Florida with a certificate of ascertainment pursuant to a timetable and scheme dictated by the November 21, 2000, decision of the Florida Supreme Court, and that decision has been vacated by the December 4, 2000, ruling of the Supreme Court of the United States, thus increasing the uncertainty and confusion regarding the validity of the appointment of those electors, and

WHEREAS, the electors who were appointed on November 26, 2000, are the same electors as those who would have been appointed pursuant to a certification made on November 17, 2000, had the Florida Secretary of State been allowed to do so, and

WHEREAS, it appears that there exists a reasonable risk that the Congress of the United States, in exercising its counting powers pursuant to the Twelfth Amendment of the Constitution of the United States and Title 3 of the United States Code over the votes cast for President and Vice President by the members of the Electoral College, may determine that the election held in this state for the purpose of choosing electors has failed to make a choice on the day prescribed by law because contests and controversies have arisen concerning that election, and that the Congress may decide that those contests and controversies either were not finally determined by December 12, 2000, or that such determination was not pursuant to pre-existing election law or was not in compliance with Article II, Section 1 of the United States Constitution, and that accordingly Congress may not count the votes of the 25 electors already certified and sent to the Congress by the Governor of the State of Florida, and

WHEREAS, the Florida Legislature wishes to fulfill its constitutional obligation to ensure that Florida's six million voters are not disenfranchised and that its 25 electoral votes will be counted by Congress, and

WHEREAS, Section 2 of Title 3 of the United States Code provides that "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such manner as the legislature of such State may direct," NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the Florida Legislature finds that the election for electors for President and Vice President of the United States of America held on November 7, 2000, ultimately failed to make a choice of such electors.

BE IT FURTHER RESOLVED that the manner that the Florida Legislature directs that electors for President and Vice President of the United States of America be appointed in the year 2000 is by appointment by the Florida Legislature.

BE IT FURTHER RESOLVED that the Florida Legislature hereby appoints as the 25 electors for President and Vice President of the United States of America, such number being equal to the whole number of Senators and Representatives to which the State of Florida is entitled in the Congress, the following named persons: Charles W. Kane, Maria De La Milera, Sandra M. Faulkner, H. Gary Morse, Armando Codina, Carole Jean Jordan, Tom Slade, Marsha Nippert, Robert L. Woody, John Thrasher, Mel Martinez, Feliciano M. Foyo, Al Hoffman, Alfred S. Austin, Thomas C. Feeney, III, John M. McKay, Cynthia M. Handley,

Darryl K. Sharpton, Dr. Adam W. Herbert, Berta J. Moralejo, Jeanne Barber Godwin, Deborah L. Brooks, Dr. Dorsey C. Miller, Glenda E. Hood, and Dawn Guzzetta.

BE IT FURTHER RESOLVED that, if for any reason an elector appointed by this resolution is unable to serve because of death, incapacity, or otherwise, the Governor of the State of Florida may appoint a person to fill such vacancy who is a citizen of the State of Florida, who was registered and otherwise eligible to vote in the general election held on November 7, 2000, and who is not prohibited from serving as an elector under Article II, Section 1 of the United States Constitution.

BE IT FURTHER RESOLVED that each elector for President and Vice President of the United States appointed by this resolution shall, before 10 a.m. on December 18, 2000, give notice to the Governor of the State of Florida that such elector is in Tallahassee and ready to perform the duties of an elector for President and Vice President of the United States and, if it shall be found that one or more electors appointed pursuant to this concurrent resolution are absent, the electors present, subject to the provisions of section 103.061, Florida Statutes, shall elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the nonattendance of the elector.

Motion

On motion by Rep. Frankel, the time for debate by the opponents of the resolution was extended 5 minutes.

Rep. Frankel suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 5].

The question recurred on the adoption of **HCR 1-A**. On adoption, the vote was:

Session Vote Sequence: 6

Yeas—79

The Chair	Brummer	Haridopolos	Mealor
Alexander	Byrd	Harrell	Melvin
Allen	Cantens	Harrington	Miller
Andrews	Carassas	Hart	Murman
Argenziano	Clarke	Hogan	Needelman
Arza	Crow	Johnson	Negron
Attkisson	Davis	Jordan	Paul
Atwater	Detert	Kallinger	Pickens
Baker	Diaz de la Portilla	Kendrick	Prieguez
Ball	Diaz-Balart	Kilmer	Ross
Barreiro	Dockery	Kottkamp	Rubio
Baxley	Farkas	Kravitz	Russell
Bean	Fasano	Kyle	Simmons
Bennett	Fiorentino	Lacasa	Sorensen
Bense	Flanagan	Littlefield	Spratt
Benson	Garcia	Lynn	Stansel
Berfield	Gardiner	Mack	Trovillion
Bilirakis	Gibson	Mahon	Wallace
Bowen	Goodlette	Mayfield	Waters
Brown	Green	Maygarden	

Nays—41

Ausley	Gottlieb	Lerner	Siplin
Bendross-Mindingall	Greenstein	Machek	Slosberg
Betancourt	Harper	McGriff	Smith
Brutus	Henriquez	Meadows	Sobel
Bucher	Heyman	Peterman	Weissman
Bullard	Holloway	Rich	Wiles
Cusack	Jennings	Richardson	Wilson
Fields	Joyner	Ritter	Wishner
Frankel	Justice	Romeo	
Gannon	Kosmas	Ryan	
Gelber	Lee	Seiler	

So the concurrent resolution was adopted, as amended, and under the rule, immediately certified to the Senate.

Explanations of Vote

In accordance to House Rule 9.7, I would like to provide an explanation of my vote on Tuesday, December 12, 2000.

My vote on House Concurrent Resolution 1-A was not to select the next President of the United States or to follow partisan lines. Instead, it was to be certain Florida voters have a slate of electors to represent them and our great state of Florida on December 18, 2000, when the Electoral College votes to decide the next President of the United States of America.

In my oath of office, I swore to support, protect, and defend the Constitution of the United States. Therefore, after researching the laws and listening to my constituents, as well as my fellow colleagues, I cast my vote in favor of House Committee Resolution 1-A.

Rep. Heather Fiorentino
District 46

Today, as we filed into the House Chamber for this historic and solemn occasion, it seemed important to share in writing my thoughts as a member of the Florida Legislature, due to limited oral debate set forth by House Rules.

Just two weeks ago, we were sworn in with the oath to uphold the Florida and United States Constitution and I believe, as much as I would have never chosen to be here and make this decision, it is my constitutional duty to do so.

The cloud over our election compels us to act now. My support of this resolution has never wavered. Even as a non-attorney, it appears very clear to me that we must act now to preserve the 6 million votes that were cast and the 15 million citizens of the state of Florida. With the legal controversies at hand, there is doubt regarding Florida's participation in the Electoral College.

For these reasons, I cast my vote in support of Resolution 1-A.

Rep. Carole A. Green
District 75

The Florida Legislature had no choice but to be part of history today. We were not convened in an effort to choose the 43rd President of the U.S. but to protect the voices of 6 million Floridians who went to the polls to be heard.

The U.S. Constitution, U.S. Supreme Court interpretations, number of Federalist papers, U.S. Codes and laws are very specific that state legislatures have the ultimate responsibility to ensure that votes from their respective states are represented on December 18, 2000, the day the electoral college convenes to select our next President.

Over the past several weeks, it has become very clear to me, and all Floridians, there is no end in sight to the legal battles being waged across our state and country to determine the real intent of the Florida voter.

As the State Representative for District 31, I was called to duty to defend the votes of my constituents and I answered that call with pride. After hearing the testimony given by my colleagues in the House, it was my belief that it was in the best interest of my district and all of Florida to vote for House Concurrent Resolution 1A.

Rep. Mitch Needelman
District 31

As a freshman legislator, and a student of the law, I find it particularly honorable and humbling to participate in this most important vote today. There is no dispute that the Florida Legislature has been given, by way of the US Constitution, the plenary power to provide the manner and method of choosing Florida's presidential electors. There is no dispute that the existing list of certified electors is at risk by various court challenges. We must preserve the electoral process for the State of Florida. This legislative action is a safety net to

assure that Florida is not left out of the electoral process. I understand that I will never erase the label of partisan politics for this vote, but I also understand that I have a constitutional duty to perform. I strongly urge the passage of this resolution.

*Rep. Dennis A. Ross
District 63*

On motion by Rep. Byrd, the rules were waived and—

HCR 3-A—A concurrent resolution providing for adjournment of the House of Representatives for more than 72 consecutive hours.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

The Florida House of Representatives shall stand adjourned from 3:39 p.m., December 12, 2000, to reconvene at the call of the Speaker.

—was read the second time by title. On motion by Rep. Byrd, the concurrent resolution was adopted and, under the rule, immediately certified to the Senate.

Reports of Councils and Standing Committees

Committee Reports

Received December 11:

The Select Committee on Electoral Certification Accuracy & Fairness recommends the following pass:

HCR 1-A

The above bill was placed on the appropriate Calendar.

Written Remarks Pursuant to Special Rule for HCR 1-A

Mr. Speaker, I rise today to express and demonstrate my commitment to the citizens of Florida by fulfilling my Constitutional duty and my duty as a Representative.

As a newly sworn State Representative, I am honored by the opportunity to vote for all the citizens of our great State. The appointing of electors for President and Vice President of the United States is an important decision that I do not take lightly. I have formed my decision carefully, with input from my constituents and with a foundation of duty given to me by our US and State Constitutions.

Florida has election laws, passed by the Legislature and followed by our Secretary of State for the certification of our electors to the Electoral College. The Florida Supreme Court reacted to the many election protests by over-reaching their legal authority to create new rules and standards, which jeopardize the certification of our State's electors.

It is our duty and responsibility to insure that Florida's vote is counted in this election. The US Constitution requires that the Legislature of Florida be responsible for Florida's six million voters inclusion in the US Electoral College. Legally cast ballots, which have followed Florida's law, must be counted.

I am ready to accept that responsibility and do my Constitutional and Representative duty by voting in favor of HCR 1-A.

*Rep. Bob Allen
District 32*

Today's actions will bring finality to the choice of electors that Florida will send to Washington, D. C. It is right that we do this because the close vote for president has dragged on in many forms that have not resolved the issue to everyone's satisfaction. Six weeks is enough. When we look back over the past weeks one thing sticks out in my mind that has made the recount process less than democratic. I refer to the actions of some of the canvassing boards and how they chose to count or not count ballots. This process should be non-partisan and yet it was not only less than non-partisan, but also showed inconsistencies in how to discern a voting mark from county to county. In addition, it is easy to

recognize that not all people were interested in voting in the presidential race, and yet there seems to be a "need" to make something out of any mark, no matter how slight into a vote. This has created a "wishful thinking" on the part of some people that appears to have clouded their judgment in their "official capacities". These inconsistencies are rendering less, rather than more comfort in the public's mind that the outcome would be genuine.

Under the authority of the Constitution of the United States giving the final authority to the state legislature and also to protect the equal rights of all voters, now is the time to act. On behalf of the citizens of Florida we need to name the electors for President of the United States in Bush vs. Gore. I support the resolution and I urge my fellow members to do the same.

*Rep. William F. "Bill" Andrews
District 87*

Mr. Speaker, I am very much aware of the magnitude of the vote that I am about to undertake and the historical implications of such a vote.

I am positive that the forefathers of this great nation at the time of drafting and ratifying the constitution of the United States in Article 2, Section 1, bestowed the right for appointing Electoral College delegates to the State Legislature.

Section 5 of the federal code states that in case of controversy/contest the legislature of each state has the right to protect its participation in the electoral election. It also establishes a clear timeline to protect its participation.

I vote to ensure and protect the certification of the election results that gave Florida's 25 electoral college votes to Texas Governor George W. Bush. As I vote, I think of the 69% of the voters in my district from Hialeah, Hialeah Gardens, Miami Lakes, and Collier County who on November 7 cast their votes for George W. Bush. I would like to mention and thank the residents of District 102 who on September 5 entrusted me as their State Representative by the exact same %, 69%. It is an honor for me to cast my vote in the presence of my wife, Eris and my four children; Jaclyn, Christina, Tony and Katherine who sit in the gallery of this great institution, and witness their father participate in the great democracy of this great nation. I also think of my 9th and 11th grade history students from Miami High who witness their teacher become a part of history.

I will vote for HCR1-A, that Florida will be represented in the electoral election on December 18 and guarantees 25 Electoral College votes for George Bush therefore making him the 43rd President of the United States.

*Rep. Rafael "Ralph" Arza
District 102*

The debate we are having today is one that will be viewed by many generations to come, thus it cannot be a debate of which slate of electors we use, or which candidate's side we want. It must be how we arrive to our conclusions to select these electors. It would be a travesty, for the end result to be that all 6 million voters in Florida be disenfranchised in the Electoral College.

A competitive race for America's next President was held. Floridians were actively involved in the process on both sides as the results clearly show. To not ratify and to risk electors not representing Florida is not an option.

Our election process has served Floridians well, until now. Look at the numbers, nearly 50,000 ballots were gathered this past weekend because there was no vote recorded on them. The Florida Supreme Court ordered a manual recount. However, there is no standard on what is considered a vote, if in fact a machine could not determine the voter's intent. In addition, questions arose on counting absentee ballots from patriotic warriors serving in our military overseas and defending us from harm's way. However, a time honored tradition is that the mail of those serving abroad does not require a post mark. Canvassing boards changed the rules. Florida's Supreme Court changed the rules. There is no conclusivity on the results. There is no finality. Ben Franklin said we

had a democracy “if we could keep it.” Our constitution is a living document that has given us a great democracy for over 200 years. My duty as an American is to confirm their vision of a great democracy. My oath as a member of the Florida House requires me to ensure that every vote counts equally.

*Rep. Frank Attkisson
District 79*

I favor the resolution. The resolution may be the only way to ensure that Florida's votes are accurately counted and the voices of 6 million Floridians are heard.

On January 5th, Congress will count each State's electoral votes. Congress may reject Florida's electoral votes certified on November 26 because those votes are based upon the Florida Supreme Court's now vacated November 21st decision. To paraphrase Chief Justice Wells, we are faced with the very real possibility that those nearly six million voters who cast their ballots on Election Day will be disenfranchised.

This nation's laws provide one way to ensure that Congress counts a State's electoral votes. If a State, following laws enacted before Election Day, determines its electors at least six days before the electors meet, that determination shall be conclusive and govern the counting of that State's electoral votes. The converse is true—if a State did not follow laws enacted before Election Day in determining its electors, that determination is not conclusive. Arguably, Congress may find that here.

If subsequent to our actions today, the U.S. Supreme Court calls for another recount of the Florida vote then I will call upon this Legislature to support that process. Furthermore, I will call upon us to ensure that our slate of electors accurately reflects the outcome of a complete, fair and consistent recount.

The resolution before us today affirms the slate of electors certified on November 26. Its passage is not an act of substituting the will of the Legislature for the will of the people. The contrary is true. Passage ensures that the election results as expressed by the people of Florida—as best we can discern on this final date for the naming of our electors—are represented in the electoral college.

*Rep. Jeff Atwater
District 83*

During this historic special session, I feel compelled to disclose the thoughts and principles that now guide my actions.

A constitutional crisis involving the election of our next President now threatens to silence the voices of the people of Florida. The Florida Legislature must now stand and recognize its duty by halting the seemingly endless litigation that jeopardizes this election.

Our constitution and federal law explicitly states that the Legislature alone shall choose the manner in which electors are selected and that manner cannot be changed after the fact.

Having sworn to defend and uphold the constitution, it is my duty to recognize the honest and fair results of Florida's November 7th presidential election.

It is with great diligence and pride that I cast my vote for the electors of George W. Bush. God bless America.

*Rep. Carey Baker
District 25*

While we keep hearing “count every vote” it is even more imperative that we be sure “every vote can count”. As we pass this Resolution, we can rest assured that we, as legislators, have done everything in our power to fulfill our oath and constitutional duty to see that 6 million Florida voters will have their vote count when the electoral college ballots are tabulated. We are living through unusual times, but it is also an unusual opportunity to act in behalf of our constituents and our country.

May we not be guilty of doing nothing when we have this opportunity to act, and may our efforts contribute to the much-needed finality in this presidential election. We have an unresolved contest although Governor

Bush has won the first count, the second count, and the third count devised by the Florida Supreme Court's over reaching legislating on new election rules in the midst of the contest.

May god bless our efforts to bring this contest to conclusion and may we ever be thankful that our founding fathers laid this path for us to follow that we might have a civil conclusion and peace in our land.

*Rep. Dennis K. Baxley
District 24*

On Tuesday, November 7th as I celebrated my victory in our election process, not once did the events we have had unfold before us these past weeks ever cross my mind. I am sure that I speak for everyone here as well.

This has been an historical election! A monumental civics lesson, a motivational experience in our governmental process for all citizens world wide. This is the greatest nation on earth and we, as Florida Legislators are proud, honored and indeed humbled by the faith and trust that our constituents have put in us. In the oath that we all took, we vowed to “Protect and defend the Constitution”, not when it was convenient or popular, but at all times. We are here today to test that oath.

When we were young, we all learned the pledge of allegiance. Standing in our school rooms, reciting the pledge every morning, was at the time, part of the daily routine. It is so much more than that today. We all take an oath every time we stand and place our hand over our heart, to pledge our allegiance to America and the Constitution, to our Republic, our nation that was founded on principals and faith in God. We must continue to strive to be indivisible even with our differing philosophies, working together to protect our liberties and justice for all. “God Bless America.”

*Rep. Marty Bowen
District 65*

As a State Representative I have sworn to support, protect, and defend the government and Constitution of the United States and the State of Florida. On this historic day, we have convened in the Chambers to perform our duties to the State. It is of optimum importance that we guard the rights of all Floridians and have their votes included in the electoral college.

*Rep. Donna Clarke
District 69*

It is with a great deal of personal pride that I submit these comments to be included in the Journal of the House of Representatives for Special Session-(A) of 2000-2002.

I feel very strongly that, as a newly elected legislator, my swearing to protect, defend and uphold the Constitution of the United States and the State of Florida dictates that I support and vote for House Concurrent Resolution 1-A. The Constitution is very clear that only the legislatures of the states have the sole and plenary power to decide the method by which electors are appointed and we must take the necessary action to assure that a slate of electors is properly certified by today's deadline of December 12, 2000.

The constituents of District 18 have sent me a clear signal that they feel Governor George W. Bush won the majority of votes in Florida on November. 7, 2000 and has continued to maintain a lead of popular votes in Florida, in spite of court ordered recounts of disputed ballots.

The Supreme Court of Florida has usurped the authority of the Florida Legislature by “changing the rules” after the game has been played. By extending the deadline dates for certifying votes from the county canvassing boards and allowing hand counts of disputed or undervotes, the courts have changed our election laws. Since Governor Bush has won the majority of the official votes of the citizens of Florida, the voters of my district want me to do everything within my legislative power to certify the 25 electors committed to Governor Bush so that the voters of Florida will be properly represented at the Electoral College vote on December 18, 2000.

Today's special session has been an exciting experience which will last a lifetime and I am firmly convinced that we have done the right thing for the citizens of Florida and our great country.

*Rep. Don Davis
District 18*

Today I feel both humbled and privileged for having the opportunity to participate in a course of action that will undoubtedly be regarded as one of the most significant events in the history of our great nation. As an elected representative, I am faced with the awesome responsibility of representing my constituency in a manner that honors and reflects its most valued right in our democracy: namely, the right to vote.

Approximately forty years ago, the citizens of Cuba were abruptly denied the power of their vote and, as a result, the power to participate in a democratic process. My parents were exiled as a result of their opposition to such an oppressive regime. In turn, they made the bold decision of fleeing their homeland and settling in a country where their voices would not be drowned out by that of one individual. This great country of ours opened its arms to my parents and allowed them not only to settle but also to participate in its sacred democratic process. My parents, in return, instilled in me the idea that the right to vote is the most basic human right in that it provides individuals with control over their own destinies.

It is this belief in the value of our right to vote which lead me to vote in the manner in which I did today. I feel that my vote today not only reflects the votes of my constituency for President of the United States but also honors the votes that placed me here today. Our citizens have spoken and it is my duty to ensure that their voices are not ignored. As Thomas Jefferson once said, "The basis of our governments being the opinion of the people, the very first object should be to keep that right. . ."

*Rep. Renier Diaz de la Portilla
District 115*

I support HCR-1A because it is the right thing to do. Today we are here arguing whether or not we should certify the electors we have. If we don't, not one of the 6 million votes cast in Florida will count. I don't want that to happen. It is our constitutional duty to ensure that Florida be present at the electoral college. We all want the same thing, and that is that everyone's vote be counted equally. Every member of this House has been subject to the same election laws and the same counting procedure. In every race there have been hundreds of votes that have been thrown away for a number of reasons. We have all lived with this process. It is an injustice to all those who have sought public office if we now start counting all the under-votes and dimpled chads. If we were to do that then we must go back to every election and do the same for everyone else. The election law was in place before the election, it might not be the best law but it is law and we are all subject to it, including Gov. George W. Bush and Vice-President Al Gore. We cannot change the rules of the game after the fact, this is simply unfair.

*Rep. Rene Garcia
District 110*

The privilege of voting for President of the United States is one of the highest honors and most important responsibilities bestowed on the American people. As free citizens, we exercise our liberty by choosing that fellow citizen we believe best suited to lead our Nation.

This year, we have witnessed a most unusual election and post-election period. The eyes of the Nation have been focused on Florida with its twenty-five electoral votes.

On November 7th, George W. Bush won the majority of votes cast by Florida's citizens. On November 8th, after the recount mandated by Florida statute, Governor Bush again, won the vote. When overseas ballots were completely tabulated, Governor Bush was, again, the winner of the election and was so certified under Florida law by the Secretary of State.

To the shame of our Nation, Democratic candidate Al Gore has refused to accept the legally expressed will of Florida's voters. He has

dragged our great State through a judicial and political quagmire with the help of the liberal-activist justices on the Florida Supreme Court. Vice President Gore has disgraced himself and his party. In plain language, he and his "Clintonian companions" have sought to steal an election. In Florida, in America. . . this cannot and will not stand.

I am today casting my vote in confirmation of those electors sworn to George W. Bush. I cast this vote as my sworn duty as a Florida Legislator under our State Constitution and in order to ensure that the legally expressed will of Florida's 6 million voters be heard. I perform this duty in the fervent hope that the United States of America never again face such a scurrilous attack on our elective system as the one unleashed by Vice President Gore. I perform this duty with the firm resolve that Florida's voters be heard and that the rule of law be upheld.

*Rep. Hugh Gibson
District 42*

Today the Florida Legislature, in enacting the Concurrent Resolution, is about to take a historic step to begin the process of ensuring that the people of Florida have a voice in the election of the 43rd president of the United States. The United States Constitution is very clear that the state legislatures have the ultimate responsibility to ensure that the voters in their respective states are represented on the day that the Electoral College convenes to select our next president. As the elected Representative for District 81, it is my responsibility to do what is necessary to see that this is accomplished. I accept that responsibility with humility and great thoughtfulness.

Due to the legal wrangling that has taken place, today has arrived with no conclusively being reached. The possibility exists that Congress will contest Florida's electors and Florida's voters will have no voice in the election for the 43rd President of these United States. While this legal turmoil exists, our state's electors and the votes of over six million citizens are in jeopardy.

In addition, the U.S. Code requires that the rules must be enacted prior to the election. The many changes in the process of determining a winner in this election also calls the acceptance of our electors into question.

I take my responsibility as an elected official very seriously. In making my decision concerning Concurrent Resolution 1-A I have thought of my husband, James, who served our country in Viet Nam. He assumed a responsibility to support, protect and defend the Constitution of the United States, with his life, if necessary. I have thought of our youngest daughter, Melinda, who is currently serving our country in the US Air Force over in the Middle East. She too is putting her life on the line for our country. Stephanie, Jennifer, and James Jr. would also expect their mother to vote for this resolution.

When I was sworn in as the Representative for District 81 I also took the oath to support, protect and defend the Constitution of the United States and the State of Florida. In all good conscious, I cannot allow my constituents' voices or votes to be silenced and I will vote to support the Concurrent Resolution.

*Rep. Gayle Harrell
District 81*

On November 7, 2000, we were elected by the people of our respective districts to represent their interest and to vote on their behalf on issues that impact their communities, the State of Florida and the Nation. On November 21, 2000 we swore an oath to uphold the constitutions of the great state of Florida and the United States.

The Presidential election results in Florida have come under attack by the losing candidate Vice President Al Gore. The Florida vote has been counted, recounted and even endured a partial manual count in "cherry picked" counties; each time the results were the same-Governor George W. Bush of Texas was/is the winner of Florida's 25 electoral college vote. The Florida Secretary of State, Katherine Harris, and the Election Canvassing Commission have certified the election.

In the face of this information, indeed in spite of it, Vice President Al Gore is still disputing the vote and is vigorously and recklessly pursuing

legal challenges to overturn the vote of the people. Despite recent court victories, the threat remains that Florida's electors will not be counted on December 18, 2000 when the U.S. Electoral College convenes. For that reason the Legislature of our great state must act to preserve our electors and the vote of almost 6 million Floridians. Article II, Section 1 of the United States Constitution clearly outlines our responsibility as legislators concerning this issue.

My fellow Representatives, we could best serve the citizens of our State by insuring that their voices are heard and their votes are counted in this important Presidential election. Therefore, I urge you to support this Resolution.

*Rep. Mike Hogan
District 13*

As this honorable body, the Florida House of Representatives, today gives consideration to the concurrent resolution, HCR 1-A, regarding the appointment of presidential electors, I urge all of us to be mindful of our purpose for being here in the first place. Only a few short weeks ago each of us in this House stood and repeated that solemn oath to "support, protect, and defend the Constitution and Government of the United States and of the State of Florida. . . So help me God." Drafting and passing legislation is secondary to embracing those principles upon which this great Republic and our beloved State are founded. In doing so today, we do our utmost to support the interests of the citizens of our Florida.

We are here today not to elect the next President of the United States but to ensure that the people of Florida, to whom we have a solemn commitment, are actually represented in the Electoral College. It is true that our actions here will have national, and even international implications. But, that is merely a matter of coincidence. It is our obligation, first and foremost, regardless of consequences, to fulfill our promise by ensuring that the voice of Florida's voters is represented in the Electoral College.

It is our U.S. Constitution, the supreme law of the land, that also beckons us. We are assembled here in Special Session not out of decision or desire, but as demanded by the Constitution. We, the State Legislature, are required by law to certify a slate of electors in times of confusion and doubt. Confusion was created when the results of the November 7th election—an election that was conducted according to pre-established laws—were unlawfully challenged. Doubt has been created because the existing Electors have been certified under pretentious circumstances. If we do not respond to the task laid out before us then we will have ignored our duties as elected State Representatives and violated the very oath that we all took just days ago.

Finally, let us all remember that the duty is in our hands and the results are in God's.

*Rep. Jim Kallinger
District 35*

The honor of serving in this House is accompanied by legal and moral responsibilities. The legal responsibility to follow the Constitution and laws. The moral responsibility to do what is right.

Today we find our Presidential election results swimming in a sea of uncertainty. The laws of our State and Nation mandate that we take this action of last resort. We do so not to impose our will on an election, but rather, to insure that voices of Florida's voters are heard in the Electoral College. We take action, not just because the law mandates that we do so . . . but because it is the right thing to do.

Those who oppose our undertaking do so under the mantra of "Let every vote count". Yet they support a candidate who initiated a systematic effort to exclude the votes of the soldiers who defend our Nation. Their cause is not to count every vote, but to alter the outcome of the election. We cannot. . . we will not. . . allow that to happen.

History will record that despite pressure and threat from every corner the men and women of this noble chamber stood tall for the rule of law and principle of right. In the shadow of a Vice-President who fails to

accept defeat, who resorts to lawsuit after lawsuit to threaten our State's electoral votes. . . the members of this body have bravely put principle over the personal interest to send a loud and clear message that we will fulfill our Constitutional duty.

We must insure that our State's electoral votes get counted. If we are to safeguard our liberty and honor the lives lost in the defense of our freedom. . . we must act. . . we must do so in order to restore faith in our election process and to secure our Republic for the generations to follow.

*Rep. Jeff Kottkamp
District 74*

It is with both pride and personal commitment that I submit the following remarks to be included in the Journal of the House of Representatives in its Special Session "A" on Tuesday, December 12, 2000.

It has become abundantly clear to me after hearing the testimony and the evidence presented to me in my capacity as an elected State Representative that under the powers granted to us by the Constitution of the United States, we have the duty to insure that our state sends a slate of electors that have been properly certified by today's deadline of December 12, 2000.

The action we took today by passing House Resolution 1A was granted to our body under Article 2: Section 1 of the United States Constitution. These are powers that can neither be taken away from us nor abdicated by us.

Our action today guarantees that the voters of the State of Florida will have a voice through the selection of their twenty-five certified electors committed to Governor George W. Bush.

This is a proud moment for the Florida House of Representatives and for the citizens of our state and of our great country.

*Rep. Dick Kravitz
District 19*

This is an important moment in my life. Today marks my first address to this august body, but far more important today is a historic moment for the Florida State Legislature, our state and our nation. As members of the Florida State Legislature, we have the awesome responsibility to insure that the citizens of Florida are not disenfranchised for any reason. Our legislative branch has a constitutional right and obligation to insure that this election was fair, open, and honest. I had hoped that the courts would have taken the necessary action to guarantee that Florida's voters will be heard, sadly I cannot be sure of that today. Perhaps the federal Supreme Court will still do so, but the appropriateness of the state legislature to act in this matter, in my view, is clear, proper, and required by the Constitution. For us in the Legislature to walk away from our constitutional responsibility, would undermine the founding father's view of the legislature's proper role in the importance of the separation and balance of power that must exist in government. Politics should never override the constitutional obligation that this legislature has in performing its role as a co-equal branch of government. I'm saddened, that politics seems to be driving the actions of the day instead of constitutional procedure. The people of my district have a right to know that the state election process will follow both the letter and the spirit of the law. That's why I urge my colleagues in the state legislature to stand fast in defense of the proper role of this body and vote to insure that Florida's voice is heard and vote in favor of the concurrent resolution.

*Rep. Connie Mack
District 91*

When I started out on the path to become a Florida State Representative over a year ago, I thought I was fully aware of the awesome responsibility I was seeking. Never could I have imagined that an ordinary person like myself be caught up in an amazing event like this with national implications. Historically, the Freshman Class is gifted with the time-honored banner of obscurity. Not so for the class of 2000. We are being called to duty.

Where does that call to duty come from? For me, as a career law enforcement officer and a member of the freshman class of 2000, the answer is simple—from the law of the land, which I swore to uphold when I took my oath of office in this very room 20 days ago.

To me, that event was more than a ceremony. It was a solemn oath, just like the oath I swore to 29 years ago that placed my life on the line for my fellow Floridians. On November 21, 2000, I obligated myself, just as you have, my fellow representatives, to uphold the laws not only of the state of Florida but to support and defend the Constitution of the United States of America.

Look around you, look at the portraits of great Floridians giving testimony to the history of our state. It humbles me to realize that we have joined the ranks of these patriots who took the same oath to the very same constitution. We have no choice but to uphold Article II Section 1.2 of the United States Constitution which sets forth “Each State shall appoint, in such Manner as the Legislature thereof may direct a number of electors. . . .” Please join me in preserving the law of our great country by supporting this resolution.

*Rep. Mitch Needelman
District 31*

Fellow members, fellow Floridians and fellow Americans, the issue attempting to stare us down today may not emerge again for hundreds of years in this country. But if it does, our actions may be called upon as precedent necessary to not just select a future president but to preserve a fragile yet stubborn model of government that Madison, et al. crafted hundreds of years before us . . . a dividend tomorrow that will be measured by our courage today.

History will not likely remember any present figure the way we now recognize Madison, but one of our country's future legislatures might well look back on us as an institution and be grateful that we chiseled out a record renewing earlier principles currently lost on our press, partisans and some citizenry—principles that may be lost again on the same long in the future.

In some small way let us be remembered for having carried out our oath to uphold our constitution. Let us be remembered for protecting Florida's 6 million voters and 25 electoral votes lest they otherwise be rendered a nullity.

*Rep. Jerry Paul
District 71*

As a freshman legislator I hoped to make history, although not quite this soon. As I listen to the comments of my colleagues today, one thing is clear – uncertainty and lack of finality abound in our current circumstance.

If it is correct, as has been argued, that Florida has made a clear choice and that we already have a valid slate of electors in place, our action today simply confirms and protects their right to serve with the conclusivity the law requires and the voters of Florida deserve. If, on the other hand, Florida has failed to make a clear choice, then we ensure the right of the majority of the lawful voters of Florida to have their voices heard.

If we pass HCR 1A and our action, by whatever circumstance, is proved to have been necessary to have Florida's votes counted in the Electoral College, we have fulfilled the obligations of our oath of office in the most courageous and historical manner imaginable. If on the other hand, we fail to act, and our inaction results in Florida not securing valid, conclusive electors, we will have abandoned the responsibilities of our oath of office in the most shameful and historical manner imaginable.

In this historic session, we were urged to vote our conscience, which I intend to do supporting HCR 1A, because it confirms and protects the electors for the candidate whom a majority of the lawful voters of Florida elected as certified on November 26, 2000.

On this most historical of issues, I choose action over inaction and will vote the courage of my convictions. History will be my judge. I cannot,

however, leave the fate of our voters to the whims of uncertainty. I support HCR 1A and urge my colleagues to do so as well.

*Rep. Joe H. Pickens
District 21*

Mr. Speaker, fellow members, I stand before you to speak against this resolution.

On Nov. 26th, Governor Jeb Bush signed a slate of electors that were certified by our Secretary of State. I hold that very document before you here today. This slate of 25 Republican electors is now on file in the national archives in Washington, D.C. where it will remain until January 5th, when all slates are opened and counted by the U.S. Congress.

There has never been a time when the State of Florida has not acted in the manner prescribed by law to have our electors in place. There has never been a time when Florida's certified slate of 25 Republican electors was at risk of being lost or stolen. And there has never been a time when it was acceptable to change the rules of the game in the 4th quarter, with the goal in sight. We have never failed to make a choice.

Florida's electoral votes will be counted along with all other states votes on January 5th . To interrupt the process at this point in the game would be counter productive and risk the very votes we are arguing to protect today. I urge you all to leave the certified slate in place, and let our laws work as there were designed.

*Rep. Sara Romeo
District 60*

Let the record show that the following constituents and friends have sent me to Tallahassee, not to vote for President, but to represent their voice within our State government, the families of: Warren; Ostrowsky; Podell; Flanick; Ahamonitz; Leiberman; Rolla; Orloff; Tobin; Weiner; Bernie; Glazer; Klepfu; Stavitskey; Stutchin; Katz; Stutchen; Kramer; Dashefsky; Feinberg; Berman; Guberman; Jugber; Fried; Singer; Nora; Eisenberg; Harold; Marjorie; Pinkonitz; Frances; Stone; Hammelstein; Farkas; Pure; Moses; Myers; Bard; Deitchman; Schlackman; Samberg; November; Moser; Hoback; Reer; Schacher; Meltzer; Bolinko; Grosswacks; Kaufman; Schectman; Weiss; Agulmick; Miller; Cohen; Hirsch; Novatt; Steinfeld; Schwartz; Miller; Levine; Bankis; Rosenthal; Stein; Kaye; Mazzara; Kleiber; Berlinsky; Romaine; Berkley; Aaronson; Altman; Apsel; Archer; Auster; Baer; Berman; Bernstein; Blackman; Blatt; Boikes; Borkan; Bornstein; Chalfin; Chopp; Darer; Diamond; Epstein; Feinstein; Feldman; Fleischman; Garber; Gillman; Glazer; Goldman; Goren; Gottlieb; Grab; Greco; Gross; Grosse; Grossman; Guskakoff; Glushakoff; Hauser; Hass; Hersh; Hilfer; Hochbaum; Hornick; Horowitz; Jam; Jacobs; Kantow; Kantowitz; Karp; Katz; Kaufman; Kelter; Klarman; Klein; Kolatka; Koval; Kriner; Kwal; Lenowsky; Leone; Leviton; Metzger; Mondshein; Perlstein; Protney; Ross; Reginsky; Rosenblatt; Rosman; Rubin; Scheckner; Schnepf; Schulick; Schwartz; Seligmann; Serafin; Shandalove; Siegel; Silverman; Singer; Steinberg; Stollowitz; Strent; Sussman; Wachtel; Wasserman; Weiner; Weinstock; Werner; Winkler; Winkoff; Wolfson; Zipkin; Winkler; Wolfson; Weiner; Zimmerman; Yellow; Blustein; Fink; Rickenback; Freidken; McArthur; White; Ogdin; Sandow; Fields; Gruber; Slosberg; Slosberg; Victoria; Kubek; Wasserman; Flaidell; Epstein; Harris; Bush; Biechuch; Bleiweise; Ostrow; Epstein; Kalich; Rosenblatt; Block' Rotterman; Schneiber; Goldman; Rose; Walter; Foxy; Kartek; Myer; Coffen; Lubin; Shepard; and Cowen.

*Rep. Irving Slosberg
District 89*

Today we find our country, our state, our counties, our communities, and even in some cases, families, at heights of political disagreement not witnessed since the civil war era. Having the responsibility assigned to me by serving on the Joint Select Committee on the Manner of Appointment of Presidential Electors as well as the House Select Committee on Electoral Certification Accuracy & Fairness gave me opportunity and insight on the Presidential Election process. An appropriate description of this process would probably be a “mess”. We have allowed our election process to become judicialized. We have all

been unconcerned, and complacent with our election process. All other states are certainly glad they are not under this scrutiny.

I supported HCR 1-A in committee for several reasons. I voted against having a Special Session while serving on the Joint Select Committee.

My supporting HCR 1-A was based on principles, philosophy, my interpretations of facts and constitutional law. The fact that a large majority of the people in my legislative district supported the Republican candidate, even though it consists of 70 + % of registered Democrats, was not the most important factor in my decision. My heart was. I believe it is the right thing to do.

This was by far the most difficult vote in my legislative career. I had many suggestions of help. Some of these were sincere and some ridiculous, but all were welcome. Whether you agree with me or not is important, but not nearly as important as you knowing I did what I believed was right for District 11 and our state, and certainly in this case, our nation.

*Rep. Dwight Stansel
District 11*

This country has a shameful history of silencing African-American voters—with the majority stepping on the voting rights of minorities... imposing poll taxes... establishing literacy tests... threatening violence and actually murdering those who would seek to register black voters.

In 1965, President Johnson signed the Voting Rights Act. The Voting Rights Act began turning around centuries of oppression. By ensuring minorities the right to vote, it gave us a strong voice. We can't afford to go back.

African-Americans turned out in record numbers in the last election—and many of their votes were not counted. The truth of the matter is, there seems to have been a coordinated, systematic and disturbing effort to target African-American precincts.

Votes from mainly black precincts were discarded by out-of-date voting machine technology. 1950's Jim Crow-era machines that produce predictable undercounts were distributed to poor black neighborhoods.

All of the work of our greatest civil rights champions—black and white—who suffered in the struggle to gain the right to vote... those who stared down the burning crosses of the Klan... the nightriders... the lynch mobs... the water hoses... the attack dogs... the dynamiting of churches and homes while families slept... those who died in the struggle—the sacrifice of those heroes should not go in vain.

That's why I oppose this Legislative aggression on our right to vote and our right to be heard by counting our votes.

There was a time when a Black person in our country was counted as three-fifths of a person. We will not go back to those days. We are 100-percent people, 100 percent human beings. We are voters and our votes must count as much as the next person. That's not only right, but it's what the very foundation of this country is supposed to be about.

*Rep. Frederica S. "Freddi" Wilson
District 104*

Motion to Adjourn

Rep. Byrd moved that the House stand in adjournment, pursuant to HCR 3-A, to reconvene upon the call of the Chair. The motion was agreed to.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 3:39 p.m., in accordance with HCR 3-A, to reconvene upon call of the Chair.

Remarks Relating to Consideration of HCR 1-A

[HCR 1-A (shown earlier in the *Journal*) was read the second time by title.]

Speaker Feeney: The resolution, having been introduced on second reading, the first thing that we'd like to do, Members, is to go over the Special Rules that have been adopted unanimously by the Florida House of Representatives. I'd like you to give your attention to Representative Goodlette, who will explain the Special Rule and if you have questions about the rule, now would be the appropriate time to ask those questions. Representative Goodlette to explain the Special Rule, you are recognized.

Rep. Goodlette: Thank you, Mr. Speaker. Members, as you will recall when we were in session on Friday, I went through the Special Rule briefly. I would like to do so again. I have had the privilege of meeting with Representative Frankel, and Representative Wiles, and Representative Byrd to further discuss these rules, and I think that we are all in agreement. But I did want to review those with you briefly.

This is the first use of the new Special Rule process so I want to just review it and answer your questions. The process included in the Special Rule is designed to provide for a fair and orderly way to consider this very important resolution. The Special Rule governs all aspects of the legislative process including—and it's important Members—including the amendatory process and the debate on the resolution.

As you know there are two floor leaders who have been designated: Representative Byrd for the proponents, Representative Frankel for the opponents. These two floor leaders will coordinate the discussion, the questions, offering of amendments, and debate on the floor today. While all recognitions will still go through the Speaker, no Member may be recognized for any purpose—questions, amendments, debates, etc.—unless the floor leader yields time to those Members. For example, Mr. Byrd may yield 5 minutes to Representative Bennett to discuss the resolution. The Speaker would then recognize Representative Bennett for 5 minutes. At the end of that 5 minutes, the Speaker will announce that the time has expired.

The Special Rule also allows for extensive debate on the concurrent resolution and the amendments and permits the proponents and the opponents equal time to express their views. Consideration of the resolution and the amendments will be limited to five hours, with time to be equally divided between the proponents and the opponents. On the large screen will be a timer for each side of the debate, so that the floor managers can follow the time that they have remaining for each Member. Each floor manager will be allowed a 30-minute opening. After that point, questions and then amendments will be in order. Finally, there will be time for final debate. Where it's practical to do so, the Speaker will alternate recognizing the floor leaders for blocks of time. Those blocks of time, it is anticipated, will be 30 minutes for the proponents, 30 minutes for the opponents, 30 more minutes for the proponents, 30 minutes for the opponents, 45 minutes for the proponents, 45 minutes for the opponents, 35 minutes for the proponents, 35 minutes for the opponents and then 10 minutes remaining for each with the opponents going first, and the final 10 minutes reserved for the proponents of the resolution. So that's the rough order subject to the floor managers relinquishing time, where necessary, or reserving time, where necessary, in order for the debate to proceed in an orderly way.

There are several specific points that need to be emphasized on how the time will be counted. Questions and answers will count against the floor leader who yields to the Member asking the question. That floor leader can limit the amount of time that is allocated for a specific question and the answer to that question, so this is not an open-ended grant of time. Again, it's controlled by the floor managers.

The offering of an amendment will count against the time of the floor manager who has authorized the amendment. The deadline, of course, for amendments was 8:30 this morning.

For your information, Members, all comments made upon the floor during the second reading today will be spread upon the *Journal*. Also,

so that all Members will be allowed to express their particular views, any Member wishing to do so will be allowed to provide written remarks setting forth his or her comments on the resolution. The remarks may not exceed 300 words and will be spread upon the *Journal* of the House if received electronically by the Clerk before 8 o'clock p.m. this evening.

I realize that this is indeed a new approach to debate on the House floor and I want to be sure that this new process is very clear to all Members.

At this point I am available to attempt to answer any of your questions. We do appreciate your cooperation and we look forward to your thoughtful, civil debate and discourse. Thank you, Mr. Speaker.

Speaker Feeney: Thank you. Are there questions of the Rules Chairman? Are there questions? There being none, I would ask the indulgence of the House just a moment again, as I did on Friday, to remind you what a special place and institution this is. The Florida House of Representatives has a great, proud history. We are widely respected around the country as one of the most progressive and professional institutions in state government. This is not the first time that the Florida House has taken up and addressed issues of historic importance and great controversy—issues Members care deeply and passionately about. That is why I would like all of you to take a moment to call attention to Rule 2.3 of the House Rules. That rule begins in quotes, “The Speaker shall preserve order and decorum in the Chamber of the House.” That is a duty that I take personally and seriously, because now, more than ever, the preservation of order and decorum in our Chamber is absolutely essential so we can fulfill our responsibilities under the Florida and the United States Constitutions. The rule continues and I quote: “The Speaker shall see that the Members conduct themselves in a civil manner in the Chamber of the House in accordance with accepted standards of parliamentary conduct. . . .” I am confident that all of our Members today, here, no matter what the circumstances, will conduct themselves in a civil manner. That all debate conducted in our Chamber today will be conducted in an atmosphere of respect for our fellow Members and for the institution of the Florida House.

I hope the many commentators and pundits around the country, who complain about the lack or the decline of civility in American politics today, will be able to point to our debate as a debate where great men and women who felt passionately about their responsibilities, although they differed in what those responsibilities required, were able to set an example of how people can disagree deeply and yet be civil and respectful to one another.

And I would suggest to you a few things. Representative Goodlette has just advised all of the Members that if you wish, there will be an opportunity to spread up to 300 words of remarks on the *Journal* today. Since history will be watching us, it is something I suggest Members consider taking advantage of. I would also tell you that because all of our remarks today that are made orally, if they concern the main resolution, are going to be spread upon the *Journal*. The Clerk's staff does a wonderful job at this, it is not easy to do, but they are going to make sure we have a full record. So the level of your voice won't count much for historical purposes, but the level and intellect of your debate may count a great deal. And I guess with that I believe we are ready to have the floor leader for the proponents address the Chamber. One second, Representative Byrd.

Representative Frankel, for what purpose do you rise?

Rep. Frankel: Mr. Speaker, just for an introduction. We have with us Congressman Robert Wexler from Palm Beach County, I just wanted to welcome to the Chamber today. [applause]

Speaker Feeney: Congressman Wexler, it is great to have you. We will add you to the list of dignitaries that we don't usually get this time of year in Tallahassee. Thank you for being here today.

There being no questions, the proponent's floor leader, Representative Byrd, is recognized and provided approximately 30 minutes. Representative Byrd.

Rep. Byrd: Thank you, Mr. Speaker. I would first yield to Representative Goodlette for 12 minutes.

Speaker Feeney: Representative Goodlette is recognized on behalf of the proponents for 12 minutes and is given permission to approach the well.

Rep. Goodlette: Thank you, Mr. Speaker. I want to at the outset, Members, tell you that this is a very solemn moment that we approach as we take up this important resolution that has statewide and national implications and ramifications. I also want to thank the Speaker for permitting me and for permitting six of our colleagues here in the House to serve on the Joint Committee with the Senate who went for three days last week in hearings to receive the testimony of expert witnesses and to receive, importantly, the input from the citizens of the State of Florida on these important issues. I'm also appreciative of the leadership that has been provided by Representative Byrd on the Select Committee of this House that met yesterday, most all day, again for the purpose of receiving expert testimony and to listen to citizens, not only from around the state of Florida but from around this great country, to provide their thoughts on this important subject to us.

And I would be remiss if I did not indicate at this moment that I appreciate the respect, the cordial conversations, and, frankly, the quality of the thought and the debate from both the Democrats and the Republicans on both the Joint Committee and the Select Committee. And for those of you who do not know, the seven of us, that is Representative Byrd, who was our chairman, Representative Diaz-Balart, Representative Cantens, myself, Representative Betancourt, Representative Stansel, and Representative Gottlieb; I want to thank all of them for their cooperation, for the quality of the input that they provided. And I think that we looked upon these important issues and showed the people in this state, indeed the people in this country, that we can do so in a thoughtful, in a deliberative way. And I would be remiss if I didn't take this opportunity to express my gratitude and my appreciation to them and to you, Mr. Speaker, for giving us that opportunity.

What I want to now cover is the resolution itself. Other speakers who will follow will, perhaps, go into some more detail. First, I would like to talk about what the United States Constitution says about this important issue. And you will see behind me, and I'd like for you to follow if you can, some of these important concepts. Article II, Section 1, of the United States Constitution provides that, “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . .” Those are indeed, ladies and gentlemen and Members, the 25 electors that have been certified and whose certification we are here, and this resolution contemplates preserving their ability to cast ballots on behalf of the over 6 million voters in the state of Florida who voted on November the 7th and 15 million residents of the State of Florida when the electoral college convenes next Monday.

Now I want to move briefly into what the United States Supreme Court has said about that particular provision of Article II, Section 1, of the United States Constitution. It was in 1892 that the United States Supreme Court, in the case of *McPherson v. Blacker*, stated the following and it's so crystal clear that I think it bears repeating and being shown to you on the screen, “The appointment of these electors is thus placed absolutely and wholly with the legislatures of the several states. . . . This power is conferred upon the legislatures of the states by the constitution of the United States, and cannot be taken from them or modified by their state constitutions. . . . Whatever provisions may be made by statute, or by the state constitution, to choose electors by the people, there is no doubt of the right of the legislature to resume the power at any time, for it can neither be taken away nor abdicated.” And that, Members, is all contained within the resolution that is before you. Now, that is a statement of the United States Constitution and a statement of our United States Supreme Court interpreting that constitutional provision.

Now it's further incumbent upon Congress to implement that constitutional provision. And Congress has done so in Title 3 of the

United States Code and I want to review two important sections with you. First, United States Code, Title 3, Section 2, pertains to the failure to make a choice on the prescribed day. And others will speak more directly to this but I want to lay the foundation. And that important provision states clearly that, "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, . . ." here November the 7th, Members, "the electors may be appointed on a subsequent day in such manner as the Legislature of such State may direct." A very important statutory provision found in Title 3 of the United States Code.

The next, safe harbor provision of the United States Code, again Title 3, Section 5, I think bears your further consideration and your specific attention. Section 5 pertains to the determination of a controversy as to the appointment of electors. "If any State shall have provided, by laws enacted. . ." and this is very important, "prior to the day fixed for the appointment of the electors, for its final determination or any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods. . ." other methods in Florida delegated to the Secretary of State "or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of the meeting of the electors, shall be conclusive. . ." This is important, Members, as we talk about this process because it helps define what the role of Congress is in determining whether or not there has been conclusivity in this process. Congress' responsibility is to establish the time, the date of the election, and to count the votes. The remaining responsibilities are those of the legislatures of the various states.

Now moving forward to what the United States Supreme Court said about this safe harbor provision, just last week in their ruling on December the 4th in the case of *Bush v. Palm Beach County*. "Since § 5 contains a principle of federal law. . ." now this is the United States Supreme Court speaking just last week, "of federal law that would assure that finality of the State's determination if made pursuant to a state law in effect before the election, a legislative wish. . ." that is the desire of this institution "to take advantage of the 'safe harbor' provision in Section 5 "would counsel against any construction of the Election Code that Congress might deem to be a change in the law." And if those of you who may have followed any of the debates before the United States Supreme Court yesterday know that several justices were concerned, and it will reflect on these conversations today as to how the Florida courts could change the law, but that the legislature was prohibited from changing the law. And we will be discussing that in further detail.

Let me mention—how am I doing on the time, Mr. Speaker? thank you—let me just mention two important provisions in the *Federalist Papers*. You know, as we are thinking about how to govern ourselves prospectively in these important constitutional issues, I think it's important at times to reflect upon what our forefathers, what our founding fathers, said and how they set in place these provisions that we are now dealing with. And I think it's important to note that they actually anticipated and contemplated that these kinds of controversies may arise. There are two provisions from the *Federalist Papers* that I want to share with you, briefly, in closing. The first is the view of the founding fathers found in the *Federalist Paper No. 45*. And I think these words are of some import. These were written by James Madison who's the author, of course, of that *Federalist Paper, 45*. "Without the intervention of the State legislatures, the President of the United States cannot be elected at all. They must in all cases have a great share in his appointment, and will, perhaps, in most cases, of themselves determine it."

And finally, and in conclusion, I want to also bring to you the views of Alexander Hamilton as expressed in *Federalist Paper No. 68*. And what he was talking about in *Federalist Paper, 68*, Members, was the electoral college process and the wisdom that was devised for this republic. And his comments are excerpted here and they bear repeating, "It was also peculiarly desirable, to afford as little opportunity as possible to tumult and disorder. But the precautions which have been so

happily concerted in the system under consideration. . ." the electoral college "promise an effectual security against this mischief." Thank you.

Speaker Feeney: Representative Goodlette, your time, and Treasury Secretary Hamilton's, has run out. Representative Byrd, you're recognized with approximately 18 minutes remaining.

Rep. Byrd: Thank you, Mr. Speaker. We would yield 10 minutes to Representative Alexander.

Speaker Feeney: Representative Byrd yields 10 minutes to Representative Alexander and your time begins.

Rep. Alexander: Thank you, Mr. Speaker. I'd like permission to approach the well.

Speaker Feeney: You're granted permission to approach the well. Members, while Representative Alexander comes up, and his clock should be starting—travel time counts, we've given permission of both the proponents and opponents for up to two Members to approach the well. Representative Alexander.

Rep. Alexander: Thank you, Mr. Speaker. Members, so much has happened in the five weeks since election day and I think it would be a benefit to us all to remind ourselves of the sequence of events—both as required by law and as the events actually occurred. As we walk through the timeline, try to keep in mind the question, this question: did the Supreme Court of Florida change the law as it was in effect on election day? Why is this question of changes to election laws important? As Representative Goodlette has summarized, in Title 3, Section 5, of the United States Code, which was put in place after the disastrous election of 1876, requires that states determine presidential elections according to the laws in effect on election day if Congress is to treat the results as conclusive.

And as we go through the timeline, please pay attention to three points:

First, the Florida Supreme Court imposed a new election deadline that conflicted with Florida law as it existed on November 7. Second, since the court intervened, there are no standards for manual counting of ballots in our Statutes. And today, December 12th, is the deadline for resolving controversies about the selection of presidential electors.

So, how did we get here? Five weeks ago today, six million Floridians went to the polls to vote for President and George W. Bush received more votes than his opponent. That was November 7th. The difference between the two candidates' votes was less than one-half-of-one-percent and so the automatic recount requirements of Florida law kicked in. Four days after the election day, on November 11th, the recount—the first and only statewide recount—confirmed that George W. Bush won the election.

We move forward to November 14th, one week after election day, the day set by Florida Statute for certification of the results of the election. That was also the day that the Gore campaign filed suit here in Leon County to extend the deadline for certification. As you may recall, Circuit Judge Terry Lewis ruled that the November 14th deadline was mandatory, but that the Secretary of State had the discretion to accept or ignore late-filed returns.

The next day, November 15th, Secretary of State Harris, relying on Judge Lewis's ruling, used her discretion and certified election results and found within her discretion that the requests for extensions did not meet the appropriate criteria.

Two days later, on November 17th, Judge Lewis upholds Secretary Harris's actions and the Gore campaign appeals to the Florida Supreme Court. The Supreme Court, in its first interference with the statutory scheme of events, stays the certification.

On November 18th, the count of foreign absentee ballots was announced and, again, the results of November 7th were not disturbed.

Then two weeks later, after election day, November 21st, the Supreme Court of Florida announces new law. It orders the Secretary of State to

accept and certify results through 5 p.m., Sunday, November 26. This decision changed Florida election law. The State Supreme Court changed the deadline for certification from November 12th to November the 26th—this was no mere procedural change—and required the Secretary of State to accept counts that the law gives her discretion to accept or “ignore.” The Supreme Court added 12 days of vote counting not provided for by law and they changed “may ignore” to “shall not ignore.” These are not mere acts of interpretation, these are changes to the law.

When November 26 arrived, the Secretary of State complied with the Florida Supreme Court order and certified the results that had been received by the Supreme Court’s 5 p.m. deadline. The final results were: Governor Bush, 2,912,790 and Vice President Gore, 2,912,253—a margin of 537 votes for Governor Bush. The next day, the Gore campaign filed a contest in Leon County Circuit Court.

Over the next few days, the Legislature began Joint Committee meetings to examine our role in this undecided election and the Florida Supreme Court dismissed one of the many lawsuits arising out of the election, the action involving the so-called “illegal butterfly ballots” that were used in Palm Beach County.

Which brings us to December the 4th. That’s when the U.S. Supreme Court vacated the November 21st Florida Supreme Court decision, finding that there was “considerable uncertainty” about the basis for the Florida decision. They requested clarification, which came only yesterday. Also on December 4th, Leon Circuit Judge Sanders Sauls, after a nationally-televised two-day trial, rejected the Gore contest on all counts and the Joint Committee recommended that the Legislature act to assure that Florida’s electoral votes were to be counted.

Then, in rapid succession, Vice President Gore appealed Judge Sauls’ ruling, Speaker Feeney and President McKay issued a call for this special session, two Leon County judges ruled against the challenges to Seminole and Martin County absentee ballots, and the Florida Supreme Court ruled again.

In their December 8th decision, the Florida Court further changed the law, ordered statewide partial manual recounts without specifying any uniformity of process, ordered the acceptance of the Palm Beach recount that came in after the court’s own deadline, ordered the acceptance of the partial Miami-Dade recount, and so on. The U.S. Supreme Court stayed the various manual counts this weekend and then heard oral arguments yesterday.

That’s where we stand today. Where do we go from here? Today, December 12th, is the last day to resolve controversies over electors and benefit from the safe harbor Congress has given us.

December the 18th, electors will meet to cast their votes; January 6, Congress will count the votes; but today is the day to begin resolving this matter, for once and for all.

Why must we act? Because, in the words of Judge Birch for the dissenters in the U.S. 11th Circuit Court, the Florida Supreme Court “superimposed a new model onto the state’s statutory election scheme” and “unconstitutionally changed the election system after the election had taken place.” “By changing the rules of the game after it was played, the Supreme Court debased the votes of thousands of Florida voters and denied them equal protection of the laws guaranteed by the Fourth Amendment.”

Members, we are here for a clear purpose: to protect the votes of 6 million Floridians and to assure all Floridians the rights guaranteed them under the U.S. Constitution. Thank you. [applause]

Speaker Feeney: Thank you, Representative Alexander, who yields back the balance of his time to Representative Byrd.

Representative Byrd, let me just take a minute, or a second or two, of your time. For the visitors in the gallery and any visitor or Member on the floor, please make sure that you don’t have your cell phones on with you. I recognize you may be from the press and have to stay in contact, but we would ask that cell phones be turned off so that we can conduct this important debate in the appropriate manner.

With that, Representative Byrd, you have approximately 9 minutes.

Rep. Byrd: Mr. Speaker, we yield the balance of our time to Representative Dockery.

Speaker Feeney: Representative Dockery, you are recognized.

Rep. Dockery: Thank you. Thank you, Representative Byrd. Good morning, Mr. Speaker, colleagues, and fellow Floridians. The eyes of the nation remain upon us as there is still no closure on the outcome of the presidential race in the great state of Florida. We are here today because of our constitutional obligation to assure the inclusion of our 25 electoral votes. These 25 electors represent the votes of some 6 million Floridians who cast their ballots in accordance with the laws that were in effect on November 7th.

Members, this is an awesome responsibility and one that we cannot, must not, shy away from. On November 21st, each of us raised our right hand and swore to “support, protect and defend the government and Constitution of the United States and of the State of Florida.” We are here today to honor that commitment.

Representative Goodlette has explained in great detail the constitutional and legal issues. It is my hope that each of you understands that we are not here to circumvent the law but rather to adhere to its clear instruction.

Representative Alexander has provided a recap on the events that have unfolded over the past 35 days since the November 7th election. It is regrettable that our action today is necessary—but make no mistake—it is indeed necessary. This election process has shown the inherent flaws of an election system where 6 million voters cast their ballots. Because this is a rare case where the margin of error exceeds the margin of victory, we are left to defend the outcome of the election in Florida. Fortunately, there are laws in place to direct us in this determination. I am proud to say that all those involved have followed those laws and as a result Florida has certified the election and a slate of electors to represent our 6 million voters.

Why then are we here today? Because the certification took place on November 26th rather than on November 14th which was the legal certification deadline and because the official result was altered due to the Florida Supreme Court’s intervention. As Representative Alexander pointed out this ruling by the State Supreme Court violated federal law Title 3, Section 5, which prohibits changes in the election laws after the election.

Today is a solemn day—a day of decision. A day we have approached with caution and concern. We have nervously watched the clock tick away hoping and sometimes praying for finality in this unimaginably close election for President of these United States. Sadly, we have reached the December 12th deadline and that decision has not come. Now it is time for us, the Members of the Florida Legislature, to perform our solemn duty. A duty thrust upon us by the Constitution of the United States which says, in part, “Each State shall” not may “appoint in such manner as the Legislature thereof may direct, a number of electors. . . .” The Constitution is not unclear or ambiguous on that point. It is not an option or a choice. We shall. We are supposed to exercise our duty based on the laws that existed prior to the election in question. Since there is a subsequent contest and the outcome is unclear it becomes our lawful duty to determine the electors of this great state. The 2000 election is spiraling out of control and we must stop it now.

Your vote, Yea or Nay, on the resolution before you is a responsibility you cannot avoid. To abdicate this awesome and solemn duty is not a choice. We must support, protect, and defend the Constitution. I will do so by voting for a slate of electors who are pledged to cast their ballots for Governor George W. Bush for President. He won the state on November 7th. He has won on each recount. He is the winner today—December 12th. I urge each member of this House to vote with me. However, I acknowledge that some of you will not agree with me and will cast a vote of conscience against the proposed slate of electors—that is your right and your duty. Many of you who disagree with me are not only my colleagues but also my friends. We have worked together in committees, we have worked together in this Chamber and on occasion

we have attended social events together. It is my hope and belief that we will continue to work together after this historic moment of decision and refocus our attention on those issues of importance to our constituents who sent us here.

I want to express my appreciation for the open dialogue that continues across the aisle with members of the minority party. Their willingness to work through this difficult moment speaks volumes about our ability to conduct the affairs of our state.

I want to say a few words to our newest Members. To the 63 freshmen legislators who are attending their first special session, I regret that your first vote in this House will be a matter of such grave concern to the country. You have been campaigning for six months or more and the good people of your district rewarded your efforts by electing you to represent them in the Florida House of Representatives. They decided that you would speak for them on matters of grave importance to the community, our state, and our nation.

Many of you have yet to be hooked up to our computer system and may not have received the abundance of electronic mail from around the state and throughout the country. These communications reflect the intensity of emotion that the American people feel. This is a deeply divisive issue and the best you can do is examine the facts, understand the law and vote your conscience. You are not here to determine the next President of the United States, you are here to ensure that Florida's 25 electoral votes are included along with the other 49 states to determine who the next President will be. We as a state did not seek to be in the position we find ourselves, but we do not fear it either.

Today is a good day, a day in which we will reinforce our history as a nation of laws and a state of laws. Tomorrow is another day, one I hope will be a day of healing. A day when we return to the friendly debate of public policy in committees and here in the Chamber of this great institution—the Florida House of Representatives. And soon another day will come when we join together in a common goal of helping to improve the lives of all Floridians.

In closing, I would like to express my gratitude to all those who participated in this election process. We as a state have a lot to be proud of. We stood up to the intense scrutiny of the media, our critics, the late night comics and indeed the world. We conducted our election process in accordance with the law in a fair and open manner. I for one am very proud to represent the wonderful people of Imperial Polk County. I am proud to be a Floridian and proud to be an American.

Representative Byrd, thank you for the opportunity to address the Members of the House. [applause]

Speaker Feeney: Thank you, Representative Dockery. Representative Byrd, you have approximately a minute and 42 seconds remaining.

Rep. Byrd: Thank you, Mr. Speaker. We would reserve that. There are amendments on the desk that we'd like to yield time to the sponsor for. Representative Cantens has an amendment; we'd like to yield 5 minutes for him to present that amendment.

Speaker Feeney: Representative Byrd, perhaps if we could stop the time clock for a second, I could ask a question of Representative Goodlette. Representative Goodlette, my understanding was we were going to have roughly 30 minutes for the proponents; and now I am advised that there is an amendment that the proponents wish to offer. What happens with respect to the clock at this point? Representative Goodlette, you are recognized.

Rep. Goodlette: Thank you, Mr. Speaker. With the indulgence of Representative Frankel, if we could just take a couple of extra minutes out and present that amendment now, I think we have discussed this and she will be offering their strike-everything amendment immediately following this, Mr. Speaker.

Speaker Feeney: OK, with the indulgence of Representative Frankel, Representative Cantens, you've been recognized for purposes of offering and explaining an amendment.

Rep. Cantens: Thank you, Mr. Speaker. Members, this amendment is a technical amendment that provides the address of each one of the 25 electors and includes that address in the resolution.

Speaker Feeney: Representative Goodlette, all 25 of us will be glad that you have told the world our address. Could we have the technical amendment read by the Clerk?

[**Amendment 1**, by Representative Cantens (shown in the *Journal* earlier today), was read.]

Representative Cantens having explained the amendment, the amendment having being read, are there questions about the amendment? Are there questions? Is there a debate on the amendment? There being no debate, Representative Cantens, you are recognized to close on your amendment.

Rep. Cantens: Waive closing, Mr. Speaker.

Speaker Feeney: Representative Cantens having closed, all Members in favor shall state so by saying Aye; all opposed, Nay. [voice vote] Well, let's try it again. All those in favor, please state by saying Aye; all those opposed, Nay. [voice vote] I think the Ayes have it that time. [laughter] The amendment is passed.

[**Amendment 1** was adopted.]

Representative Byrd, you still have 28 seconds on your original clock, Representative Byrd.

Rep. Byrd: We'd like to reserve the balance of that time, Mr. Speaker.

Speaker Feeney: Show it done.

Representative Frankel, we are going to begin, what I have on my script as 30 minutes for the opponents of the resolution and for purposes of debate, you're recognized.

Rep. Frankel: Thank you, Mr. Speaker. Well, we almost won one there. [laughter] I want to tell you that I'm very proud to represent the "red team" today. Mr. Speaker, we have an amendment on the table that we'd like to take up.

Speaker Feeney: The Clerk will read the amendment.

[**Amendment 2**, by Representative Frankel (shown in the *Journal* earlier today), was read.]

Representative Frankel, are you the proponent of this amendment?

Rep. Frankel: Mr. Speaker, I'm just going to explain the amendment and then I'm going to waive my time to other Members to debate it.

Speaker Feeney: OK, I will state that you're recognized to explain the amendment and Members that have questions can ask you, or if you prefer somebody else that you would like to have answer the question. To explain her amendment, Representative Frankel.

Rep. Frankel: Thank you, Mr. Speaker. Now I told you that we were going to try to work in a bipartisan spirit, and so I want to tell you we're going to try to help you out here today. So, if you all listen carefully, I think this is a very good amendment. And the essence of this resolution, this is really a—we're presenting an alternative resolution here, folks—the essence of this resolution is really, it really tells us all to respect the rule of law. We've created a legal process here in Florida prior to the election, and we believe and this resolution concludes, that we should take no action to interfere with that process; that it is up now to the Supreme Court of the United States to evaluate the actions of the Florida Supreme Court. And what I would like to do, as I explain this resolution, with the help of our Clerk's staff, I will go through it with you. It sets out what we think is the important chronology and some of the legal references that will be later explained by some of my colleagues.

We agree that Article 2, Section 1, of the Constitution of the United States, provides that each state shall appoint, in a manner as the

Legislature shall direct, a number of electors. And the resolution goes on to say that this Legislature has placed the decision for the election of the President of the United States in a statutory scheme, which you all find in your law books in your offices or in any legal library in the state. And specifically Section 103.011 has that provision in it.

We did have an election pursuant to that statute, on November 7th, 2000, and as we all know 6 million Floridians went to the polls to vote. On November 8th, George Bush was leading in that vote according to the returns. And Florida law provides that any candidate has the right to protest the returns as being erroneous and further that the canvassing boards may authorize a manual recount, and you can find that in Section 102.166(c) of the Florida Statutes.

Al Gore did file a protest and he requested a manual recount in certain counties. And as we know, the manual recount was not completed. And then on November 26th, 2000, Florida certified its 25 presidential electors for George Bush. And then on that same day, Jeb Bush, our Governor, signed an ascertainment of the certification and he delivered it to the National Archives, in which it now rests. And then Florida law provided that after this certification, an unsuccessful candidate could contest the election if there was a receipt of a number of illegal votes or a rejection of a number of legal votes sufficient to place the election in doubt. You can find that in your law books at Section 102.168(3)(c). It's right in the law books, there. And the Florida law further provided that an election contest shall be resolved in a judicial forum. You will also find that in Florida Laws 102.168. And so Al Gore, following the process that we had set out prior to the election, filed a complaint, *Gore v. Harris*, that went to the Leon Circuit Court. You will also note in our resolution that the Florida Legislature mandated, in law, that no vote be ignored and I'm quoting from the statute, "if there is a clear indication of the intent of the voter" and unless it was "impossible to determine the elector's choice." And you will also find that in the law books, 101.561(4)(5) and (6). And the Legislature also provided that the focus of any manual examinations of a ballot should determine the voter's intent, and that's also in law. The Legislature also specifically authorized a circuit court judge to fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked to prevent or correct any alleged wrong and to provide any relief appropriate under the circumstances. That's in 102.168(3)(c).

And now as the resolution continues, as we all know, the matter of the contest of *Bush v. Gore* lies in the United States Supreme Court. We believe, as this resolution goes on, that for us to go forward with this measure today would violate Section 1, Title 3, of the United States Code and set a dangerous precedent which could lead to other states doing the same. And so, we resolve today, that the Legislature take no action to interfere with the ongoing election process created prior to November 7th, and then, in a spirit of bipartisanship, we resolve that this Legislature should, together, congratulate the next President of the United States.

Thank you, Mr. Speaker, and I would waive at this time. I'd like to waive 20 minutes to Mr. Gelber.

Speaker Feeney: Representative Frankel, I would appreciate while you are recognizing your Members if you'll point to them and make them stand up and wave their hand. [laughter]

Representative Gelber, welcome to the House and you are recognized for 20 minutes.

Rep. Gelber: May I approach the well, Mr. Speaker?

Speaker Feeney: You're given permission to approach the well. While Representative Gelber does that, for people that aren't familiar, the Florida House of Representatives just underwent our first term limits and we have 63 freshmen and we're very excited about working with them. Representative Gelber, you are recognized.

Rep. Gelber: Thank you, Mr. Speaker, and thank you for affording me the privilege to speak from the well. Members, I speak today in support of the amendment and the Speaker's comments would remind me that I am a freshman. It's pretty obvious he doesn't even know who

I am—most of you don't know who I am, we don't know who each other are—and here we are making one of the most important votes, I think, any legislature anywhere is ever going to make. But the irony of this moment should not be lost on anybody in this Chamber, especially the citizens of our state.

In the same breath that we are told that this session is about preserving the votes of Floridians, by the majority resolution today we will be disenfranchising every single voter who went to the polls on November 7th. While we are told that this session is about respecting the rules, the majority's resolution will declare irrelevant all of the rules that this Legislature has created to govern and resolve elections.

While we are told that we must act to protect our electors, I believe that if you look at the United States Code and read it you will see that this action does nothing but jeopardize our electors. Perhaps most ironic is we are about to insert ourselves into a process and declare ourselves the paramount authority when the United States Supreme Court, as many of my colleagues on the Republican side have said, are about to consider the exact same issues. And I wonder, just like my fine colleague from Tallahassee, why we are here today?

We are here, as the majority have said, because of the oaths that were taken when we assumed our office. Well, we in the minority took exactly the same oath that you did, and for me it was not my first oath. In fact, I swore to uphold the Constitution as an Assistant U.S. Attorney, as a Chief Counsel in the United States Senate, and each time I took that oath it was very interesting. I never, ever took an oath of fidelity to a particular party or to any particular candidate. Rather, each time that I took that oath, just like every public officer who takes that oath, I took an oath of allegiance to the Constitution, to a set of rules, to the wonderful notion that respect for the paramount authority of law is what separates us from nations where the absence of such law is a constant and daily threat to freedom.

It has been said that we are a nation of laws. It will be said throughout this debate, I am sure. But the matter before us today will test the truth of that statement and its continued vitality in this Chamber and I urge all of you, even though I am a freshman, we need to look at this very carefully. And to my fellow freshmen we need to know what we are doing here. Because, what we are about to do and where we are about to embark will be a very, very terrible precedent for Legislatures to come.

Now the legal reason, we are told, we have been here by the folks that spoke before me, is our fear that our inaction will leave Florida's electors at sea. I submit to you, that if you look at the law in this regard, you will see that this proposition is wrong. And further, those same laws assure us that the singularly most perilous course we can take in this Chamber is the course that is being offered through the majority's resolution, because it robs the people of their right to have their votes counted. And while we can talk all we want about our preserving the rights of votes, when we vote today and if the majority votes and they win, the people of America who showed up in Florida to vote for their President will have wasted their trip to the polls. And that is the truth and we'll be giving that decision to this Chamber. I urge my colleagues to consider the minority amendment.

Let me first address the majority's argument that this body is compelled to act because of Section 2 of Title 3 of the United States Code. Read that provision very carefully, because it doesn't exactly comport with this notion of plenary and absolute authority. "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the Legislature of such State may direct."

This is why we are here, according to the majority, this provision of law. The majority's view is that this compels us to act and the key phrase here—the key phrase in the logic of the majority—is that there has been a failure to make a choice, a failure to make a choice. That is the key. What do they point to—what do my colleagues point to—to show there has been a failure to make a choice?

There is a contest of the election, there are all these lawsuits, everybody is making a big deal, it's a close race. That, under the law, is

not failure to make a choice. There has been no case ever, there is nothing in the enabling legislation of that provision, no legislature in the history of our country, at least since it's been, this act has been enforced, has ever interpreted an election contest. The mere existence of a contest to mean we have failed to make a choice, and that is where the majority and the minority depart in their analysis.

Why has nobody ever advanced such an interpretation? There's a very good reason, because an interpretation like that would turn the rule on its head. The purpose of the rule is to say to the Legislature, you do have authority to create the manner, but Congress has the authority to tell you the time. And you cannot act for all this talk about the plenary or absolute power of this body. Isn't it sort of interesting that we have this provision that exists here today, that tells us we cannot act until that has been found? Why can't we? Think about the problems that will happen if just merely the presence of litigation allows the Legislature to hijack an election. The state with a legislative majority whose candidate of choice appears to have lost, simply needs somebody, any partisan or just anyone. And in Florida there's enough lawsuits, we know somebody will file a lawsuit about something. And if the presence of the litigation continues, the Legislature will simply be able to disenfranchise itself.

Now, during the hearings of the Select Committee that preceded this session, the majority's experts and some of my colleagues from the majority, suggested the question that whether an election has failed is a factual issue for us to determine. We must look at the facts and we must consider the law. We must make that determination. And then it occurred to me as I was listening, haven't we created a process to do exactly that? Are we suppose to prejudge every single lawsuit that comes to decide whether it is meritorious, and then if it might be meritorious and contest the election, then we must act? Well, why would we do that in the first place? If it is a meritorious lawsuit, wouldn't that suggest that we ought not act? To give ourselves the ability to throw every election in such disarray is to invite a horrible precedent that would be a stain on this Chamber.

Now we should note that there has been some discussion about taking out of this resolution the phrase, and it is in the current form, "that the Florida Legislature finds that the election for electors. . . and Vice President. . . [has] ultimately failed;" that's in the majority's resolution as it stands. There's been some talk about taking that out. Listen, for you to act, when you act, you are finding by your vote that this election has failed to make a choice. And you are saying the determination of that is simply the presence of an election contest.

The obvious meaning of Section 2—the obvious meaning of failure to make a choice—we don't have to look very far for. It's upstairs in this building, it's in the Department of Elections. We have a code section that creates exactly this process. Go to 103.011, that provision just does two very simple things. First of all, my colleagues are correct. We have the right to create the manner in which our electors are established; that provision is us telling our constituents they have that right. That's what the first part of that does, we gave it to them. But the second thing it does is it tells the Department of State to certify the electors of the candidate who receives the highest number of votes—to declare a winner.

In our case we had an election on November 7th. A winner was certified, exactly as the provision requires and, in fact, Mr. Roberts, who is an employee of Secretary Harris, appeared at our hearing. I was permitted, with leave of the committee, to ask a question of Mr. Roberts. I had one simple question; who won the election? According to the authority of the state, who is the winner of the election? Mr. Roberts, without pause, go and ask him right now, will tell you, Governor Bush won the election, he is the winner. He has a certification that he has won. That certification has been sent to the National Archives, it is waiting to be counted. Now, it is possible that that winner may change. But if that happens, Governor Bush, our Governor Bush, will simply send another certification over replacing the one that exists.

The point is—the point is—our process has declared a winner. We do not need to decide that we have to declare a winner. Section 2 simply cannot provide a basis for this body to act. But the majority have suggested that Section 2 is not the only authority and they point to the

McPherson opinion, and this whole notion—and this is an important notion—that the Legislature has a plenary, or the sole and unlimited power to do as it sees fit with regard to the selection of electors. This is an important notion. Let's understand something about McPherson. When McPherson occurred, African-Americans in this country were counted as three-fifths people. McPherson has to comport and obviously our actions have to comport with the Constitution. Does anybody in this great Chamber think we could decide that only white men who own land can pick electors? Obviously not, because that would violate at least two concepts of our Constitution. So, McPherson is not sort of this idea that we can do as we seem fit whenever we want to. In fact, it's much different than that.

First, the Federal Constitution has only told us we can do the manner, we can decide whether we pick it or whether the people pick it. But, it has also told us that we have to comport with the Constitution. And in fact, in the hundred or so years since McPherson, obviously all those things that give people rights have grown up around this concept of plenary power. But once we create that process, we are obliged to follow it; that's the manner we chose. We gave people the right to request recounts, to create grounds for contest, to create a contest phase in the courts and to give the courts the right to fashion pretty broad remedies.

But there's something else you should note about this, and why it's pretty obvious we can't do whatever we want to. Look at Section 2 itself again. It is by its very nature a conscription on our ability to act. We cannot act until there has been a failure to make a choice. So if everyone stands up and says we can do whatever we want, ask yourself why there's a United States Code provision that says until there has been a failure to make a choice, you must stand down.

You know, the scholars that came before us—and there were a lot more lawyers than I wanted to see, a lot more law professors, I had a bad flashback to law school—who came before us, there is something that the 50 that signed that letter said. And they said that if we act right now, we will be turning this rule on its head. We will find that a failure to act, a failure to reach a vote, has happened when we shouldn't trigger that yet. And they said that the frolic that the Legislature has come will not be merely unwise and irresponsible but it will be also unlawful. And I think that's something we need to think about, whether we are actually committing an unlawful act by attempting to jump into this fray when we really are not allowed to.

Now let's talk about this safe harbor that has been put up here. And the safe harbor is very important, because first of all it's not really relevant to our debate here today. The safe harbor is simply the following: the safe harbor of Section 5 basically says, in very simple terms, it's a pledge between Congress and the states. If we get our act together by December 12th—if we get our act together—and we select a slate by a process that does not change after election day, then our slate will be deemed conclusive. So long as our process is complete and that section talks about contest, so long as there is no contest pending.

There is no question the safe harbor is gone, we are out of the harbor, folks. It doesn't exist anymore. First of all, it doesn't exist because there is a contest. And a lot of you may say, well wait a second, if there is a contest doesn't that mean that the election hasn't reached a conclusion according to that other section, Section 2? And the difference is, see there are two different provisions, not having reached conclusivity is different from failing to make a choice. Those two provisions were created decades apart and have little to do with each in this regard.

But the key here is that it's a promise that if we stick by the rules we will be able to actually have a winner that will be viewed conclusively by the Congress. It is no longer relevant. And by the way, our action cannot put us there because the one thing we know about the safe harbor is that it has to be done by December 12th and I believe our counterparts are not acting until tomorrow. But we also know that we can't change the rules after the election. And clearly we have rules that, in the courts, are suppose to decide this election. And, if we act, it'll be a change in the rules, it'll be something new that obviously was not happening on November 7th when we told people that they should vote to pick their President. So, that's not going to happen.

Now, the best way to assure that our slate is as conclusive as it can be is to rely on the certification that we have sent up on November 26th, which was certified within our legislative framework. Our action might jeopardize, in fact, that slate. The Governor and Secretary Harris have signed that slate. Now that may change if the Vice President prevails; it's possible we'll have to have Governor Jeb Bush send a new slate up to the archivist. If the Supreme Court allows us to count, we count and we have a new winner.

But in any event, if we do nothing, if we follow the minority's amendment and we do nothing, we will always have only one slate. And one slate is always better than two. You see, if you look at Section 15 of Title 3, it tells you the only way, when you have one slate, that one slate will not be counted is if both houses of the federal Congress agree to reject that slate. That's very important. Let me repeat it, the only way to lose your one slate is if both houses agree to reject that slate. And we all know what the current lineup of our House and our Senate is. There's no chance there is going to be agreement to reject the only slate Florida sends up. This clearly will not happen. However, if we throw in our other slate—and this is a second slate—we now have two slates pending before the House and the Senate; two slates in the mix. Now go to Section 15. And according to Section 15, when there are two slates pending, the houses of Congress must agree on which one they prefer. So, the same difficulty you have in rejecting our slate, when there is only one, you have in agreeing on a slate for number two. Now that might not be a problem if all the slates are for Governor Bush, but we are here because we want the process to be fair. And if the Supreme Court turns around the election and the votes count the other way, as the Democrats are hoping, we will have two slates of different parties. And we will have created a serious constitutional problem.

Professor Ackerman said he did not want to even think about it. I'm sure he does want to think about it because that's what, apparently, he likes to do. But this is a real problem and we will have created it because we will have created less conclusivity in this process by our very action.

Now, let me finally speak to the actions and the rulings of the Florida and United States Supreme Courts; and I agree with Representative Alexander, I am not sure why we are here.

Look, it is ironic that the majority is relying so greatly on the Supreme Court's opinions in this matter. And the points that were raised were raised by the Supreme Court. But remember what the high court said to the Florida Supreme Court, think about it. They basically said when they extended that Katherine Harris seven-day deadline—the Supreme Court said to the Florida Supreme Court, you know, we're not sure whether you did that based on a statutory interpretation or whether you did that based upon some frolic of the State Constitution. We don't know what exactly you did. If you did it as a statutory interpretation, it's probably OK. But if you did it otherwise it might endanger the safe harbor. Some other problems, well the safe harbor, when they made that opinion, the safe harbor was still a possibility; it's not any more. But the point is the U.S. Supreme Court was saying, you could have done it right, it's possible you did it wrong.

But what should be important, and the lesson here is that all the concerns that have been raised—and they all have been constitutional concerns for the most part, all the concerns that have been raised—apparently are being reviewed by the United States Supreme Court. They are there right now, they are writing an opinion that is going to shed light for all of us. So, I am unsure as to why we are here. We are about to change a process that we created, while literally just hijacking the entire process and saying everything that's going on in the courts, we don't care about. We have the plenary authority to do as we see fit, when the actual high court of the land is making that decision right now. Now, I may not agree with what the U.S. Supreme Court does or I may, I don't know. But it won't matter what any of us, how much we agree or disagree, because, at the end of the day they are, and no one disputes this, the highest authority in our land. And I wonder why this body believes that we should render an opinion now, when the exact same issues that have been attached for our debate are also being debated by the U.S. Supreme Court, and they will resolve. I don't think anyone here thinks we are better suited or better able to navigate these legal waters.

And I believe that this act really reflects an act that is not befitting of the peoples' House. I don't think that throwing ourselves into this mix in this way is appropriate.

Ultimately, today's impending action, I believe, is an assault on the rule of law, and we have heard about that. But in supporting this extraordinary action, the Republican majority is saying that they do not want the election process to go forward pursuant to the laws that we created. They do not want the courts to consider the appeals. They do not want the established process to run its course.

The Republican majority's resolution is bad government in its worst. I urge you to support the Democratic amendment.

Speaker Feeney: Representative Gelber, your 20 minutes has expired. Representative Frankel, you have about 2 minutes and 27 seconds.

Rep. Frankel: Thank you, Mr. Speaker. I would yield the floor to Representative Romeo for some questions.

Speaker Feeney: Just so we're clear, we're going to yield through the Chair. Representative Romeo, you have a question?

Rep. Romeo: Yes, Sir.

Speaker Feeney: And who would you address that question to?

Rep. Romeo: To Representative Frankel.

Speaker Feeney: Representative Romeo, you're recognized for a question if Representative Frankel will yield for an answer.

Rep. Romeo: Thank you, Sir. Representative Frankel, why did our forefathers use an electoral college process rather than just allowing the state Legislators to vote on a President?

Rep. Frankel: Thank you, Representative Romeo. Now you're going to test whether I was listening to our expert testimony this week.

One of the main reasons for using an electoral college is, with my understanding, that the electoral college evaporates right after the election. And it was our forefathers belief that it was in the best interest of the country that a President not be obligated to any particular body that would remain in existence. That's why we have this process of choosing electors and we got away from the fact of having a state Legislature directly choose the President. That's the same reason why the Legislature, why our forefathers, determined that everybody should have the election on the same date, so that one state would not have more influence than another.

Rep. Romeo: Further to my question, Representative Frankel. . .

Speaker Feeney: Representative Romeo, you're recognized for another question.

Rep. Romeo: I apologize, Sir. I'm learning as I go.

Speaker Feeney: You're doing great.

Rep. Romeo: Thank you so much. Are the electors in the resolution the same electors previously certified by Governor Jeb Bush and do they have the legal authority, or how could they lose their legal authority?

Speaker Feeney: Representative Frankel, you've got 23 seconds to answer unless Representative Byrd will give you some additional time. You've got 19 seconds.

Rep. Frankel: Representative Byrd, would you like us just to finish out our questions, and we'll take it off the back end?

Speaker Feeney: Absolutely, you have as long as you like to answer Representative Romeo's question. Representative Frankel, you are recognized.

Rep. Frankel: Thank you. Representative Romeo, from reading the resolution of the majority today, it appears that they have put in their resolution the same electors that have been certified to the National Archives. And it is my understanding that those electors will be the

certified electors unless one of two things happen. Really, the only thing that could happen that would change that would be if, in fact, a recount was ordered or allowed by the United States Supreme Court and Al Gore would then win the recount. At that point, it would be up to the Florida Supreme Court to disqualify the Bush electors and then have one of the executive officers of this state certify the Gore electors. The only other thing that could possibly happen is if the Florida Supreme Court's case was vacated and reversed—the first one that was in the United States Supreme Court—all that would mean is that the certification as of November 14th would stand and that also would be Jeb Bush electors. So it seems to me, Representative Romeo, that unless Al Gore wins a recount, and his electors are certified that the same electors that we're trying to certify here today have already been certified.

Speaker Feeney: Representative Romeo, you're recognized for another question.

Rep. Romeo: Thank you, Mr. Speaker. To follow up with Representative Frankel, I heard in yesterday's hearings that Justice Kennedy said that the Florida State Legislature had no authority to change the law after the election. How does this relate to the matter in front of us here today?

Speaker Feeney: Representative Frankel, you're recognized for an answer.

Rep. Frankel: Well, thank you. I heard that same statement by Justice Kennedy to one of the attorneys and Justice Kennedy seemed to make it clear that you cannot change the law or the rules after the date of the election. And I think this relates to the fact that although we have plenary ability we are not all-powerful. We can't just do anything we want. And since we set a process and we set in statute, a code, for an election prior to November 7th, that any action we take today, in fact, we would be holding a new election to go ahead and appoint these electors. And it is my belief based upon what Justice Kennedy said that the Federal Court and the United States Supreme Court would hold anything that we did now to be unlawful.

Speaker Feeney: Representative Romeo, you're recognized for another question.

Rep. Romeo: Thank you very much, Mr. Speaker. Representative Frankel, I've also heard a great deal of complaining that once election day is over the votes should not be recounted. What is the standard procedure in the state of Florida to be used in the situation of a recount? And who set those standards?

Speaker Feeney: Representative Frankel, you're recognized for an answer.

Rep. Frankel: Thank you, Representative Romeo. I think the relevant answer to your question here, in this context, would be that it is actually the Florida Legislature in our law books that set the procedure for the recount and also the standards to use the intent of the voter. And that is the issue that is being litigated and is in the United States Supreme Court now. But it was the Florida Legislature that set that process.

Speaker Feeney: Thank you, Representative Frankel. Representative Romeo, do you have another question?

Rep. Romeo: Yes, Mr. Speaker, this is my last question.

Speaker Feeney: You're recognized.

Rep. Romeo: Appreciate it, thank you so much. There is a committee in the House that has been set up to hear an election contest of a state legislative race. How is that contest different from presidential contest?

Speaker Feeney: Representative Frankel, you're recognized for an answer.

Rep. Frankel: Representative Romeo, for a freshman you sure have a lot of good questions. [laughter] [applause] You get four stars today. But that is a very good question. If you look at the laws of this

state and the Rules of this Legislature we actually reserve the right to hear the election contest for state legislators. And, in fact as the Members may remember, we do have a contest coming up that was filed by our former Member, Representative Tullis. And so we hear in this body the election contest of state representatives, but it's specifically written in law we have provided a judicial forum to hear the contest elections for all other candidates, including the President. That is why we have this presidential contest that's been working its way through the courts and now in the United States Supreme Court. So I want to thank you for that good question.

Speaker Feeney: Thank you. Representative Frankel, if it's your desire, what we'd like to do now, there is an amendment pending.

Representative Frankel moves that we temporarily pass the amendment.

We'll get back to that in approximately 30 minutes, after the proponents have had an opportunity. We're going to go back to the main resolution, with the consent of the Minority Leader, and we're going to provide approximately 30 minutes to the proponents to be led by Representative Byrd. And we're back on the main resolution. The anticipation is we will get back to the amendment in about 30 minutes so that the opponents of the main resolution can further proceed explaining and arguing for their amendment.

[Further consideration of **Amendment 2** was temporarily postponed under Rule 11.10 and the House returned to consideration of **HCR 1-A**.]

Representative Byrd, you are recognized on the main resolution.

Rep. Byrd: Thank you, Mr. Speaker. We would request a 30-minute block of time and I would request to yield to Representative Fasano for 5 minutes.

Speaker Feeney: Representative Fasano, you're recognized.

Rep. Fasano: Thank you, Mr. Speaker. Members, we stand here today facing the very real possibility that, in the selection of America's next President, Florida's voice may be mute. After almost six weeks of legal challenge after legal challenge, and delay after delay, there is still a lingering doubt as to the validity of our 25 representatives in the electoral college.

It is simply unconscionable that we could leave here today without absolutely and finally guaranteeing that Florida's 15 million people are represented on December 18th.

It is not our option, nor our choice, but our sacred constitutional duty.

And, with your permission, I'd like to read it to you one more time. "Whenever any state has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the Legislature of such State may direct."

Members, with every vote, every bill, and every measure we pass as a body, there is an ultimatum that we must all adhere to, the United States Constitution. It is bold as it stands, deafening as it speaks, and all-encompassing as it governs.

It is the ultimate defender of our nation's people, and a timeless predator of impediments on our free society. It allows a country of individuals to stand together as one, equally protected, equally represented.

It is a document that recognizes no colors, no genders, and no politics. By all accounts, it is the sole pillar of our society.

It is a manifesto of sorts, authored by 38 men who had a vision, ambition, and will to construct the framework of a free, self-governing society yet had the foresight and humility to place in reserve, corrective passages.

Members, I speak of your commitment today. A commitment to represent, as the Constitution calls us to do, all Floridians who exercised their most precious right as an American on November 7th.

But now the ultimate privilege stands the risk of falling prey to courtrooms and litigation. To allow legal briefs and appeals to play substitute for Florida's votes and electors would demonstrate a complete lack of stewardship on our part as elected officials. Yet we are not here to cast blame or find fault, as any such declaration would simply be a step backwards. We must keep in mind that the citizens of Florida put us in office to ensure every step we take as a state is a step forward. In doing so, we must not make a mistake by going in motion just for reaction.

We must act in the will of the people. We must act with courage, foresight, and humility. We must stand above all lines of division, pausing not to find reason to delay but rather to recognize a call to action, to act as the ultimate public servants, hearing only the will of our people and being guided by the conscience of each. We must act not as pieces to a partisan chess game, but rather as statesmen—working not in the interest of a candidate for office, but in compliance with the framework which has thus created the office.

It is not our duty to select the next President of the United States, Members; that is not what we were elected to do. But rather it is our duty, Members, to strictly adhere to all such direction spelled out in the United States Constitution.

Ladies and gentlemen, I submit to you, as elected representatives it is now that we are called upon to uphold the laws of our Union, which are written amongst the words in our Constitution, and, Members, I would ask you to support the resolution offered by Representative Cantens. Thank you, Mr. Speaker. Thank you, Members.

Speaker Feeney: Thank you. Representative Fasano yields back the balance of his time to Representative Byrd. Representative Byrd, you are recognized.

Rep. Byrd: Thank you, Mr. Speaker. We would yield 12 minutes to Representative Maygarden.

Speaker Feeney: Representative Maygarden, for the proponents, you are recognized for 12 minutes.

Rep. Maygarden: Thank you, Mr. Speaker, and I appreciate the opportunity. I know that we are going to cast thousands of votes in here in the course of a session, but probably none will ever have the gravity of the one we consider here today.

I promise not to take the 12 minutes. There has been a lot of good things said here already, and I am not a lawyer, Mr. Speaker, in fact, which my parents are probably grateful since November 7th. So I am not going to try to relive the law. But I am a student of human behavior and observation, and I am going to take the liberty, as Representative Goodlette did, to resurrect the life of a person gone past. He brought up Hamilton and Alexander. I want to talk about a young Frenchman who came to our country in the mid-19th century, who was a good observationist. He traveled our back roads, he visited our small hamlets, as well as our cities, and he really absorbed our culture. He recorded some astute observations about the political, social, and economic life here in America. He recorded them in a two-volume treatise entitled *Democracy in America*.

Alexis de Tocqueville wrote, "There is only one country on the face of the earth where the citizens enjoy unlimited freedom of association for political purposes." Young Mr. de Tocqueville recognized that he had really come face-to-face with a very special nation. A place that derived its authority, a place that derived all of its power from the governed—from the people themselves. And I know we are talking a lot about law, but I want us to focus a little bit on human behavior and the people concerned with this issue.

America is a place where people can come together. It is a place where we come together to build better communities and shape our national destiny. We don't rely on kings, or potentates, or royal magistrates, or other such people to conduct our public affairs. We come together as a people, of our own free will, to select our leaders, engage in honest discourse. From time to time we have to build great public works. But we come together to resolve the complex problems of a truly great society

and that is why we are here today. We have come together for the purpose of fulfilling our oath to uphold, and protect, and defend the Constitution of the United States of America. We have come together, I think, to right a wrong and to express our collective distaste for a national political contest that has, somehow, slipped off the track; it has sort of eased into a morass of perplexing legalese, and from time to time some low-lying political rhetoric. And I happen to believe that the 2000 election is spiraling out of control and we really must stop it now.

We have come together to express our heartfelt concern over the manner in which our votes—and let me emphasize here, not just the votes of Floridians, but the votes of Americans, people from coast to coast, from sea to shining sea. I don't know if you have been trying to read your e-mail or not. I was knocking them down at about one every 20 to 30 seconds, there for two weeks. And we are getting it from all over the country. They are deeply concerned about their vote and what their vote means. Not just the people of Palm Beach County or Broward—who are certainly very important to those of us here in the Legislature—but Americans. This is their election and they are afraid that their votes being systematically devalued in favor of a languishing debate over hanging chads and pregnant chads and dimpled chads.

Every time there is an election in this country, unfortunately, ballots are kicked out as invalid or illegal, because the voter may have failed to follow instructions, maybe didn't complete the task, or simply refused to cast a vote for the choices available. I understand, at least I have been told, there are nearly 2 million such votes that have existed since the November 7th count all across America.

There is no way, ladies and gentlemen, I submit to you, humanly possible to discern the clear intent of every voter after the fact. Now I've received an awful lot of mail and sadly most Americans are convinced that we have somehow put common sense to death and substituted, in its place, endless legal arguments and silver-tongued lawyers hell-bent to destroy the American electoral process. I submit to you, ladies and gentlemen, that this, the course we've been on since November 7th, is fatally flawed and extremely dangerous and as Representative Dockery said, "spiraling out of control."

Now, I know you're going to hear some anecdotal evidence from the loyal opposition as to why it is necessary to seek a—and hear me now—"full, fair and accurate count of all the ballots." And today I heard "assault" and I heard "hijack." So, Mr. Speaker, I want to close with a personal anecdotal story from my hometown, one that troubles me greatly.

Last month, I was handed a memo, and I brought a copy of it with me if any of you ever want to see it, from a lawyer by the name of Herron, no doubt a good lawyer, probably a fine person, outlining what it takes to discredit, or at least outlining the procedures to discredit, so-called "overseas ballots."

Now I've got to tell you something, the audacity of such instruction sort of stirred my emotion. You see, Mr. Speaker, most overseas ballots come from young men and women wearing the uniform of the United States military. And as you know, I live in a naval town—Pensacola, the Cradle of Naval Aviation. It is not uncommon to meet and greet combat heroes, former POWs from every world confrontation, and commanding officers from all branches of the military who, at one time or at least on more than one occasion, have jumped into harm's way for the preservation and the extension of freedom.

Now, I couldn't help wondering what they must think of a political strategy that would seek to systemically strip service men and women of their right to vote. Well, I got an answer two Saturdays ago. We held a good old-fashioned rally in front of the old courthouse in Pensacola. As you might expect, all of the local political figures were there. Representative Miller was there, along with Senator Clary. Congressman Joe Scarborough was a featured speaker, and all of us got an opportunity to lament the current crisis. But there were, however, three speakers on the platform who seemed, well they seemed out of place. They were three retired Admirals—old salts of the highest rank—they had joined the rally to express serious concerns about a system that would discard the votes of military men and women overseas.

Now, if you know anything at all about career military, you must know that they don't engage in political protest. Their job is to serve the Commander-in-Chief without regard for political persuasion. But they were deeply troubled to think that a young airman on duty in the Middle East, or a sentry on guard near the DMZ in Korea, or a young sailor standing watch at sea, or perhaps even a survivor of the USS *Cole*, might be denied their suffrage. They elected to speak out on a political matter, a matter of grave importance, for the first and only time in their long careers. And between the three of them it spanned 80 years of military career.

Surely, "a full, fair and accurate count" would include votes cast by American defenders of liberty on guard around the world. Yet, I read in the Sunday edition, I think you have a copy of it on your desk, the Sunday edition, of the Fort Lauderdale *Sun-Sentinel*, that the loyal opposition has, once again, filed another legal challenge requesting the court, requesting the judge to overturn a judge's decree to count some 2400 overseas ballots. So much for "a full, fair and accurate count." I submit to you that all of America counts. All the votes that have spilled out of those machines because they were dimpled or punched in the wrong direction or whatever the reason may be, those became illegal, and we can't just forget those Americans, and we certainly shouldn't forget the Americans who serve us overseas.

Last week, Mr. Speaker, you invited our attention to *Federalist 68*, and Representative Goodlette did the same thing today, by Alexander Hamilton. You pointed out that Hamilton described the selection of electors and the participation of the Legislature as designed "to afford as little opportunity as possible [for] tumult and disorder." Well I read on, Mr. Speaker, it is dangerous to point me in the right direction, and I found something else I thought you might find interesting. It is included in that same essay "we may safely pronounce," Hamilton said, "that the true test of a good government is its aptitude and tendency to produce a good administration." I happen to think we have the greatest government ever devised under the watchful eyes of God Almighty. And I trust that we will adopt House Concurrent Resolution 1-A and get on with the business of establishing a good resolution. Thank you, Mr. Speaker. [applause]

Speaker Feeney: Thank you, Representative Maygarden. Representative Byrd, you've got approximately 15 minutes and 46 seconds until we're going to return to the amendment. You're recognized.

Rep. Byrd: Thank you, Mr. Speaker. We yield to Senator Diaz-Balart for 8 minutes.

Speaker Feeney: Representative Diaz-Balart, you're recognized for 8 minutes.

Rep. Diaz-Balart: Thank you, Mr. Speaker. I'm glad that my colleague mentioned common sense. We've heard a lot of people spinning the story in the press outside these Chambers. And what I keep hearing is only part of the story. And, I can't blame both sides, or all the sides, who do that—they all want to make sure that their part of the story comes out. But I think it is important that we understand the entire story.

I think where there is a huge disagreement, Mr. Speaker, between some of us and some of our friends in the minority, is this: is there a chance that Florida has failed to make a decision? And we heard today by my wonderful, bright colleague from south Florida, saying that, no, Florida has not failed to make a choice. I would just want to pose a question. The reason that Florida, probably, has failed to make a choice is twofold. Number one, obviously, that it looks like the Supreme Court of Florida changed the rules after the election. That's pretty clear. The United States Supreme Court showed that it was pretty clear. There is another reason though; which is that we are still in litigation. And I would, pretty much, pose the question not to us here, ask any American in the entire country; no, don't even do that, ask any fourth grader in the entire country, whether the results of this election are a certainty. I have asked some of them. They have told me, "I don't think so." So, again, common sense. Let's bring some common sense.

You know there is not one person here, I can speak for the Democrats and the Republicans on this, that doesn't believe that every vote should count. That is part of the story. Every vote, Mr. Speaker, needs to be counted, equally. You cannot have preferential treatment for votes in this country. You can't decide that one vote is more important than another vote in this country.

My dear friends, we're going to be spending a lot of time the next couple of years on reapportionment. We all know that. And we're going to learn more than we want to learn about the Voting Rights Act. The Voting Rights Act, as you know, passed in '65, and was amended in '82. It was originally to make sure that African-Americans were not disenfranchised in the electoral process. In 1982, it was amended to include minorities of language, such as Hispanics.

You all know how much I love this institution. When I was serving in this institution in 1992, I sued this very own institution, because I thought and I felt that Hispanics and African-Americans were not being treated equally and that it was a violation of the Voting Rights Act in the United States of America. Let me give you a little story of why I bring that up.

Let me explain to you how that relates to, for example, what happened in Dade County, my beloved Miami-Dade County. You'll recall that they started counting the entire county, because that's what Judge King said the law required. And that is what the law requires. And when they were counting the entire county, they all of a sudden realized that they were going to run out of time, I guess. So they stopped counting. But, let me tell you what they had counted when they stopped counting. In a county that is over 50 percent Hispanic. I don't mean to be disrespectful, but it is hard to go to Dade County and not find Hispanics, people like me, people like Cantens, people like Annie Betancourt, it's tough to not find us. We are very proud that it's tough to not find us. But, yet when the canvassing board was counting the votes, they somehow counted 62 percent of the white, non-minority vote. They counted 21 percent of the African-American vote, we're glad for that. But somehow, they were only able to get to 2 percent of the Hispanic vote. And then they realized that was not a fair, partial count, that they were clearly discriminating a protected class under the Voting Rights Act. Let me quote from Judge King. And he said, I quote, I do not disagree that every attempt should be made to do so, to recount for a third time, but not at the expense, sir, and I hope you understand this, because the republic is watching, not at the expense of disenfranchising one voter. That's why they stopped, because they knew that they could not be fair, and they could not protect the votes of the Hispanic community in Miami-Dade County.

You know when the Supreme Court of Florida then decided in their wisdom to take and accept a partial recount of Miami-Dade County that the canvassing board said was illegal because they were not counting Hispanic votes. They clearly were not only in violation of the rules of the statutes of the Equal Protection Clause of the United States Constitution, but also as a Voting Rights Act that I sued this institution in order to protect that those minorities not be disenfranchised. Again, the full story. Yes, every vote counts. The full story though is every vote counts equally.

Mr. Speaker, if we don't pass this resolution we may very well witness the disenfranchising of every single Floridian. Not one single vote may mean anything, if we just sit back here, because even fourth graders know that Florida has got a bit of a problem. Let's admit it folks. We've got a bit of a problem. We've got a thousand lawyers out there making in an hour more than we make in a year. God bless them. I love that. [laughter] And, Mr. Speaker, that would be a great shame, because not only would that be a shame for the American people, for the people of the state of Florida.

Mr. Speaker, we all took an oath of office, to uphold the Constitution of the United States of America. If we do not do that, why are we here? And Mr. Speaker, I would respectfully, respectfully say that we need to support this resolution. We don't have a choice. We cannot sit back and allow not one or a thousand or a hundred thousand—and allow every single voter in the state of Florida to be disenfranchised. The only way that we can guarantee that doesn't happen, and the only way we can be

truthful to the oath of office that we all took, in my humble opinion, is to support Representative Cantens' resolution.

Mr. Speaker, with that I would like to waive the remaining part of my time back to Representative Byrd. [applause]

Speaker Feeney: Representative Byrd, Representative Diaz-Balart has yielded you back 14 seconds of his time. [laughter] And you're recognized.

Rep. Byrd: Thank you, Mr. Speaker. We yield the rest of our 30-minute block, approximately 5 minutes and 14 seconds, to Representative Argenziano.

Speaker Feeney: Representative Argenziano, you're recognized.

Rep. Argenziano: Thank you, Mr. Speaker. Members, I am not an attorney, I do not slice baloney for a living, and I am not given to lexical alchemy. I am just a citizen, who, in this time and place, is trying to do the job I was sent here to do. And the way the rules keep changing in this election it reminds me of a chameleon changing to accommodate the circumstances and the situations. I am not referring to the mere interpretations, I am referring to substantive changes, where you and I would have to file a bill to effect such changes.

Some examples: The date of certification was changed. Florida Law provides discretion to the Secretary of State as to acceptance of vote tallies and certification. The court usurped that statutory authority and mandated a new date for certification out of thin air. Statewide recounts were mandated when they weren't even requested. The discretion of the Miami-Dade Canvassing Board was usurped in compelling a manual recount. The state statute requires that the clear intent of the voter be determined.

But, and I know all of you have been through this, after viewing many times on TV two and three members of a canvassing board anguishing, they're straining, holding the ballot up to the light, even using magnifying glasses to determine the intent of the voter, performing all manner of ocular acrobatics, somehow the meaning of the word "clear" has been made "unclear." It can't be clear if they have to go through all that. Maybe who we need is Johnny Carson—remember Johnny Carson—Johnny Carson's Karnak to hold the ballot up to his forehead and psychically determine the intent of the voter.

The bottom line is that the rules keep changing. You can't do that after the fact. And as long as there is legal controversy, as long as that remains, there's a darn good chance that we're going to lose all of Florida's votes. Make no mistake, we certainly do have a constitutional obligation to protect and secure those votes. I have no doubt about that.

This whole election swamp is a result of uncertain votes, uncertain votes, ones we are not sure how the voter intended to vote or if the voter intended to vote at all. We should and must be concerned with those certain votes, the ones where the voters made their selections very clear and made them in accordance with the rules.

I urge my colleagues to vote to secure those clear, intentional votes of the people of the State of Florida and bring some finality to this process that has just ever-changing rules. So I thank you, Mr. Speaker, and I yield my time back to Representative Byrd.

Speaker Feeney: Thank you, Representative Argenziano. [applause]

Representative Byrd, you've got about 3 minutes and 40 seconds if you wish to use it.

Rep. Byrd: We'd like to reserve that, Mr. Speaker.

Speaker Feeney: OK. Representative Frankel moves that the House do now return to consideration of the Frankel amendment. Is that the motion you wish to make, Representative Frankel?

Rep. Frankel: Yes, thank you, Mr. Speaker.

Speaker Feeney: All those in favor please state so by saying Aye; all those opposed, Nay. [voice vote] We're back on the amendment and I would ask the Clerk to read the Frankel amendment.

[The House returned to consideration of **Amendment 2**, which was read.]

Representative Frankel, you have got approximately 30 minutes, and you are recognized to advocate on behalf of your amendment.

Rep. Frankel: Thank you, Mr. Speaker. At this time I would yield to Representative Chris Smith for 8 minutes.

Speaker Feeney: Representative Smith, you are recognized for 8 minutes as a proponent of the amendment to the main resolution.

Rep. Smith: Thank you, Mr. Speaker. I rise today in support of the strike-all amendment.

But, before I make my comments, I'd like to address a couple of comments that have been made. We've heard about the courts changing the rules, and changing the rules, and how this is so bad, but let's not forget Members, the first thing we did today, the first thing we did when this session started was to change the rules. We have a special circumstance, we changed the rules. We changed the rules on this session. We changed the rules on the speaking order, we changed the rules by what vehicle to use. We changed the rules in order to get the peoples' will heard. Even today, when Representative Frankel had to answer a question, we had a rule. It said your time is up. What did we do? Representative Byrd, in his good heart, stood up and said I waive that rule and, Representative Frankel, you can finish answering your question. Why? Because it was the right thing to do. So as we stand here today and talk about changing rules, changing rules, changing rules, let's not forget we changed rules to be here today.

Now, right now, the Supreme Court is listening to—is deciding on this issue. But here we stand today trying to usurp the responsibility of the courts. We are better than that. We are much better than that.

If we walk through history and look at times when the courts have ruled and bodies have spoken in contravention of the courts, we are better than that. We are better than the Texas Legislature of 1920. Let me tell you what they did in Texas. In Texas they had white-only primaries. The court spoke and said you know what? That is wrong. You cannot disenfranchise people. So the Texas Legislature went in session, and said OK, it is not mandatory you have white-only primaries; but it is permissive to have white-only primaries. The court again said that is wrong, you are disenfranchising people so the Texas Legislature went back in and said OK, political parties are now private clubs so they can have their own election. The Supreme Court went in again and said that is wrong, you cannot disenfranchise people. We are better than Texas. We're better than that.

The Oklahoma Legislature back in the 1920s came up with a set of rules that disenfranchise people. And one of their rules, believe it or not, was literacy tests. The Supreme Court came in and said you know what? That is wrong. They had a godfather clause. That is wrong, you cannot disenfranchise people and what did the Legislature do? It went right back in session and came up with other rules, anything to disenfranchise voters in Oklahoma. We're better than Oklahoma, ladies and gentlemen. We're better than Texas, ladies and gentlemen.

As I look around this Chamber I know we are better, because I see Representative Diaz-Balart, I see Representative Phillip Brutus, I see Representative Betancourt. I see a myriad of people. I see a rainbow of people. We are better than those legislators of past.

We are better than the Mississippi Legislature of 1890, the Alabama Legislature of 1901, that despite court rulings went in and tried to disenfranchise people with all kinds of voting trickery to keep people from voting. They even came up with a eight box rule, that said when you go in to vote you have to put each vote in the right box. What they would do in the minority districts is change around the boxes and don't label the boxes. They went through all kinds of legal trickery to disenfranchise voters. We are better than that.

We should not be here. We should not be doing what we're doing today as long as the Supreme Court, as long as the Supreme Court sits in Washington now deciding, we should not be in session. I should be home,

as a lawyer, billing hours, I am sure my partners are glad to hear that. And we all should be in our districts or doing other works for the people. We're better than those past legislators. If we do not know our history, we're doomed to repeat it.

Let's look at our history of disenfranchisement of people through circumvention and contravention of the Supreme Court. Let's not forget during the discrimination cases, the anti-discrimination cases, the state legislators went in and came up with all kinds of rules. That you had governors calling in National Guard to contravene what the Supreme Court had said, that you had state legislators coming up with all kinds of rules to get around what the courts have said; ladies and gentlemen, we need to wait to see what the courts will say. Representative Diaz-Balart brought up a good point earlier, about the voting in Miami and how they did not count in Hispanic districts. That is absurd. I am from Broward County and I spend a lot of time in Dade County, you cannot get around Hispanic districts in Dade County.

Up in Broward County, most of the ballots thrown out were in African-American precincts, were in my precincts. I had the highest number in Florida of disenfranchised voters' ballots thrown out. If we want to be here today, that's what we should be here about. That's what our committees should be hearing. Our committees need to be talking about polling places changing without telling people where they are. Our committees need to hear about voters not being assisted in the voting booths, our committees need to be here and we need to be here discussing Haitian precincts that did not have ballots in Creole.

If we want to spend time in Tallahassee, if we want to spend the time here, to do the right thing by the people of Florida, to do the right thing by this election, we need to be here discussing things like Representative Diaz-Balart said, we need to be here discussing the disenfranchisement of people of the state of Florida. So I rise in support of this strike-all amendment, because what it does is it leaves the decision up to the courts and then ultimately the people of Florida, not us. I voted November the 7th, I'm through voting for President, and I hope the rest of us are. Thank you, Mr. Speaker. [applause]

Speaker Feeney: Thank you, Representative Smith.

Representative Frankel, you're recognized. Representative Smith yields back the balance of his time to you.

Rep. Frankel: Thank you, Mr. Speaker. I would yield to Representative Joyner for 3 minutes.

Speaker Feeney: Representative Joyner, welcome to the House, you're recognized for 3 minutes.

Rep. Joyner: Thank you, Mr. Speaker. I rise today to speak in favor of the amendment.

I rise in praise of our great country. And I rise with a public acknowledgement of my gratitude at being able to serve the citizens of this great state. But more importantly, I rise as Sojourner Truth rose, as a female patriot of color, to tell her audience "what time it is."

Ladies and gentlemen, Sojourner's launch and this opportunity for Arthenia Joyner are centuries apart, yet we still need to be reminded of the time.

It is time to consider the moral responsibility of this august body. It is time to place foremost in our thoughts, the citizens of this great state. It is time to advocate for the lowest and the least.

Each of us can bring to bear the power of our office to this occasion. We can, in fact, threaten, bully, and bluster our way to resolution. I urge you, instead, to don the mantle of compassion and forge your way into the deep waters of conscience.

Our collective action, without decency and integrity, will go down as one of the darkest moments in Florida's history. But our individual commitment to fairness can and will lift us all to the level of statesmen, a goal to which each of us should strive.

History will long remember what we do here today. Our measure of who we are and what we are depends on how we act in this time of

controversy. I, therefore, ask you to rise for every citizen of this great state, regardless of age, gender, or ethnicity, and ensure by whatever means necessary to have every vote count.

It is upon this inalienable right that our country was founded. When Crispus Attucks, a black man, was felled by the first bullet in the American Revolution, he made it possible for us to convene here today.

I beg you to leave clean his legacy. Let us not sully his sacrifice with political partisan efforts. I challenge you to rise and stand tall as servants and protectors of the citizens of Florida.

Lest we forget, there was a time when African-Americans were considered three-fifths of a person as proclaimed by legislative fiat; then by legislative fiat we became a whole person. We must not go back. Let every vote count. Thank you.

Speaker Feeney: Thank you, Representative Joyner. Representative Frankel, if you have additional time you're welcome to yield it back at any Members but it will count against the team clock. Representative Frankel, you're recognized.

Rep. Frankel: Thank you, Mr. Speaker. I would yield to Representative Gannon for 3 minutes, please.

Speaker Feeney: Representative Gannon, welcome to the House and you're recognized.

Rep. Gannon: Thank you, Mr. Speaker. Members, I rise to speak in favor of this amendment. On November 2, 1920, Charlotte Woodard stepped into a poll to cast her vote for the very first time at the age of 81. In 1848, at the age of 19, she attended the Seneca Falls Women's Rights Convention, an event that would spark a movement, not unlike the one our founders started with the Declaration of Independence.

These women and men gathered in New York to declare that a nation of the people should be true to its fundamental principle. The long road that combined the efforts of the nation's most treasured figures, Elizabeth Cady Stanton, Sojourner Truth, Frederick Douglass, and Susan B. Anthony are just a few who weathered imprisonment and hardship so that America could realize its promise. By the time victory came, Charlotte Woodard would be the only living alumni to partake from the fruit of their labor, one vote from the many voices that rippled through the text of history.

Our history is filled with intense struggle over voting. It is a right that has come at a high price, but liberty rarely comes easily. And today, I focus on the battle that allows me, as an elected official, the battle that allowed me to vote on November 7th, in case we forget the basic principle that has brought us to this point.

In a speech before the Seneca Falls Convention, Clara Barton pleaded with the American people, "Brothers, when you were weak, and I was strong, I toiled for you. Now you are strong, and I ask your aid. I ask the ballot for myself and my sex. As I stood by you, I pray you stand by me and mine." It is the plea similar to those issued by some of our citizens in Florida over the past few weeks. However strong those voices gathered, the opposition was no less strident and claimed that the suffrage movement would lessen the influence of the intelligence and true, and increase the influence of the ignorant and vicious. The word ignorance has rung through the nation for a month now meant to diminish the value of our constituents.

Just as Charlotte Woodard displays the meaning of a single vote cast at a poll. I am also reminded of the power a vote can hold in this Legislature. In 1919, 35 of the necessary 36 states had ratified the 19th Amendment. The battle came down to Nashville, Tennessee, and all sides. . . .

Speaker Feeney: Representative Gannon, if we can, let's see if we can get Representative Frankel to yield you an additional 30 seconds or whatever her desire is.

Rep. Frankel: Mr. Speaker, yield 30 seconds.

Speaker Feeney: Representative Gannon, you're recognized for 30 additional seconds.

Rep. Gannon: Mr. Speaker. It was a cause that had seen many setbacks and disappointments. The Civil War and World War I had taken place and at both times the leader of our country asked the suffrage movement to halt their activities.

Today, crisis is warned of or even threatened in order to bring this debate to an end. Yet what crisis will follow if we choose to ignore the votes of the people? Are we the product of those who struggled or those who struggled against? Every vote should count, not for any political purpose but rather a moral one. Each vote bears the weight of our history on its back and is made sacred by the sacrifice it required. That cannot be ignored.

Speaker Feeney: Thank you, Representative Gannon. Representative Frankel, you are recognized.

Rep. Frankel: Thank you, Mr. Speaker. I yield to Representative Betancourt for 2 minutes.

Speaker Feeney: Representative Betancourt, you're recognized for 2 minutes.

Representative Betancourt, this won't count against your time. I wanted to thank you, personally, and all the other members of the Joint Select Committee and the Select Committee. You did a marvelous job and the House is proud of the job that all of you did.

So, Representative Betancourt, you are back on your 2 minutes.

Rep. Betancourt: Thank you, Mr. Speaker, and thank you for allowing me to serve on the Select Committee. Members, I rise today to speak in favor of the amendment and I also want to share a personal account with you all. In 1972, I became a naturalized American. I immediately registered to vote and I was no longer a second-class citizen. I could fully participate in this experiment we call democracy. I have cast a vote in every single election. I represent a lot of people just like me, people who came to this country and embraced the freedom that America represents.

Our form of government protects the rights of individuals to express themselves. There is no voice more powerful than the vote of a citizen. The right to vote is the right to participate. It is also the right to speak, but more importantly, the right to be heard. I deeply believe that every vote should count, and that is why I became involved, for years, with the League of Women Voters, an organization where I served as president. And we volunteered often with the Department of Elections in being unbiased observers on election night. I am here today to ensure that every vote counts.

This process, in my opinion, is moving right along. The Florida Legislature should be out of this disputed presidential election. In my opinion, this is the wrong way to go. I believe the Legislature takes any action today, it cuts the peoples' role in the process of electing the President. And we would show that we have lost faith in the principles. Members, this weekend I had the opportunity to visit our nation's capital. . .

Speaker Feeney: Representative Betancourt, your 2 minutes is up. Representative Frankel, Representative Betancourt's 2 minutes is up; she may desire some additional time.

Rep. Frankel: Thirty seconds.

Speaker Feeney: Representative Frankel yields 30 seconds. Representative Betancourt, you're recognized.

Rep. Betancourt: Thank you, Mr. Speaker. I just want to ask together that we as Floridians restore integrity in the electoral process. God knows we have a monumental task ahead of us. And although the unspeakable word of fraud has not come up, I'm sure it will come up, particularly when it comes to absentee ballots. Together we must work very hard, Members, to ensure that every vote counts. Thank you, Mr. Speaker.

Speaker Feeney: Thank you, Representative Betancourt.

Representative Frankel, you are recognized and by my clock you've got about 12 minutes left until we get back to the main resolution. You are recognized, Representative Frankel.

Rep. Frankel: Thank you, Mr. Speaker. I yield to Representative Richardson for 1 minute.

Speaker Feeney: Representative Richardson, thank you for inviting Pastor Green to be with us today and you are recognized.

Rep. Richardson: Thank you, Mr. Speaker. Mr. Speaker, I rise to speak in favor of the Frankel amendment. Mr. Speaker, I represent a district that is heavily populated by African-American voters. And traditionally African-Americans have been disengaged from the electoral process. They have believed that if they voted, their vote wouldn't count, or their vote didn't matter. And through the Herculean efforts of many individuals and organizations during this election cycle, African-Americans were convinced that the issues were so great and that the stakes were so high for our community that it was imperative that we turn out to vote and vote in record numbers, which we did. Now African-Americans are watching as their votes are not counted in record numbers in precincts that are populated by African-American voters. Those votes are being thrown out. They are being accused of not being intelligent enough to vote.

Speaker Feeney: Representative Richardson, thank you. Representative Frankel, I have a suggestion and if we can stop the clock. Because you have a lot of Members wishing to speak, and you have Members that have prepared for a minute or two, but things sometimes take longer—maybe if you will yield some additional time and whatever is left we will yield back to you, you will not lose it. That way the Chair doesn't have to interrupt Members who are speaking, and with that, Representative Richardson requests an additional minute, 30 seconds. Thirty seconds, Representative Frankel yields an additional 30 seconds.

Rep. Frankel: Thank you. Yes.

Rep. Richardson: Thank you, Mr. Speaker, I would suggest to you, ladies and gentlemen of the House of Representatives today, that if we take this action we will again tell the voters of the state of Florida, particularly those in African-American precincts, that neither do your votes count nor do they matter, in selecting who your President will be. The Legislature will usurp that authority from you. And, Mr. Speaker, I would suggest that that is not the path that this Legislature wants to take, today. So I would encourage each of you to support the Frankel amendment. Thank you very much.

Speaker Feeney: Thank you, Representative. Representative Frankel, you are recognized.

Rep. Frankel: Thank you, Mr. Speaker. We yield to Representative Sobel for 3 minutes.

Speaker Feeney: Representative Sobel, you are recognized for 3 minutes.

Rep. Sobel: Thank you, Mr. Speaker. Colleagues, good afternoon. I rise to support the strike-all amendment to the Concurrent Resolution 1-A.

I also rise on this momentous day in the history of Florida because partisan politics has replaced the will of the people. Prior to this election, we heard over and over again how people count, how all our issues were people driven, how the will of the people was important. After the election not the people of this great state or nation are paramount, but it is machines, machines that are being touted as the ultimate authority.

My grandparents came to this great country on a crowded freighter, cramped into tight ship quarters from Tsarist Russia, because they believed this was the country where their voices would be heard, that their votes would be counted. If they lived in Florida today, their votes would not be counted because some people believe machines count more than people.

My ninety-year-old father- and mother-in-law, who live in Broward County, went to the polls and wanted their votes to be counted. Did they

push the stylus through the hole so that their chads fell out? They don't know. But with a hand recount, that should not be thrown out by the courts, they can be assured that their votes will be counted and count.

There were no founding mothers when creating the Constitution. In 1919, women fought for and won the right to vote, because women believed how important it was to vote and be counted. Women make up more than 50 percent of our population and their votes should be counted. Women of Florida will be denied their right to vote if we don't manually count their votes.

And what about our African-American, our Haitian, our Hispanic and Asian brothers and sisters? All minorities who went to vote, some for the first time, in the greatest democracy in the history of the world, who would like to have their votes counted, we all know that they will be disenfranchised unless we count their ballots by hand, not just by machines.

As you know, I am from Broward County, representing people who overwhelmingly voted for Al Gore and Joe Lieberman. My constituents had their votes counted by hand, not just by machines. In Broward, we addressed the inadequacies of a machine count. No doubt we need to address the urgent demand for new, modern voting machinery, not only in Broward County, but in all other counties in Florida that use this antiquated, flawed system of voting. But for now, with the archaic punch card ballot machinery we have in place here in Florida, we need a manual recount. What does this historic event look like to the rest of the world—I'll speed it up—where the Florida Legislature has taken upon itself. . . .

Speaker Feeney: Representative Sobel, Representative Frankel yields you an additional 30 seconds.

Rep. Sobel: What kind of democracy are we living in, if the will of the people will be thwarted by partisan politics and a rush to judgment? We need to exercise restraint and patience and let democracy reign. Why should my vote count here today, when the peoples' votes are not being counted in Florida? Thank you, and God bless America.

Speaker Feeney: Thank you. Representative Sobel yields back the balance of her time. Representative Frankel, you're recognized.

Rep. Frankel: Thank you, Mr. Speaker. I yield to Representative Rich, for 3 minutes.

Speaker Feeney: Representative Rich, you're recognized for 3 minutes.

Rep. Rich: Thank you, Mr. Speaker. Members, I speak in favor of the strike-all amendment. On November 7th, as we all know, 6 million Floridians went to the polls to cast their votes for those who would represent them at all levels of government. In doing this they expressed the paramount right in our democracy, to vote and have your vote counted. House District 97, the district I now represent, has, I have been told, the largest number of voters, registered voters, in the state—over 121,000. The Supervisor of Elections in Broward County placed over 8,000 of those voters, in my own precinct, in Weston. On election day I watched the voters in my precinct come back two and three times to cast their vote. All day long I watched voters wait in lines that were an hour to an hour and a half long because they wished to express their precious right to vote. I watched my excited 7-year-old grandson pass out literature to voters in those lines for 4 1/2 hours, asking them to vote for his grandmother. I watched voters stream to another precinct in my district, this one filled with senior citizens, who take their right to vote very seriously. This Lauderhill precinct continually receives awards for the highest percentage of voting in Broward County. In the end 53,410 voters in District 97 voted for Vice President Gore, and 29,262 voted for Governor Bush. What do I now say to my grandson and to all these voters? The Florida Legislature wants to disenfranchise you? They want to appoint their own slate of electors? That flies in the face of all those voters who took their duty seriously and braved long lines to cast their votes. It is arrogant, presumptuous, and many believe unlawful for the Florida Legislature to take this election into their own hands. I believe it is a reckless move to usurp the role of our courts and ignore the will of the people.

Long ago this country decided that the judiciary was the right place to resolve questions about the law. In the election before us we have laws to govern this process. I urge this Legislature to let the contest of the presidential election be played out in the courts. Let us take no action to interfere with the lawful, on-going election process created by the Florida Legislature prior to the election of November 7th. Let us all respect the rule of law and then, let us all get on with the important business of the people of the state of Florida for which we were all elected. Thank you, Mr. Speaker.

Speaker Feeney: Representative Rich, thank you very much. You yield back the balance of your time to Representative Frankel.

Rep. Frankel: Thank you, Mr. Speaker, I yield to Representative Bendross-Mindingall.

Speaker Feeney: Representative Frankel yields to Representative Bendross-Mindingall, who is recognized. Welcome.

Rep. Bendross-Mindingall: Thank you, Mr. Speaker. Mr. Speaker and my colleagues, I stand this morning to support the strike-all amendment.

In 1863, a tall straggly man stood very tall on principle and articulated softly on faith that all men are created equal. There are some who don't. During the course of my campaigning I went to my constituents. Some of them were standing in line as they usually do on weekends to purchase food items. Some of them were under the trees making certain that all is well in their neighborhood. Some were catching jitneys and buses. I represent a large number of very poor people. I talked with them and they said "we are not voting." And I asked the question, "why?" "Because it does not matter, it will not count." Now as I stand here do I go back and tell those people you were right? Or do we say to them you were wrong and follow the law, and count every vote and make sure that every vote counts? Please allow the spirit of democracy to move forward, this is the compass that should be our guiding force and these are the principles for which I stand. Count every vote, let every vote count. Thank you, Mr. Speaker.

Speaker Feeney: Thank you, Representative. Representative Frankel, you have about a minute and a half left on your 30 minutes, and you're recognized. If you need additional time at this point, I believe Representative Byrd will probably yield, but you're recognized.

Rep. Frankel: Thank you, I will yield to Representative Harper for a minute then, for the minute and a half.

Speaker Feeney: Representative Harper, you are recognized for 1 minute, as a proponent to the amendment.

Rep. Harper: Thank you, Mr. Speaker. I rise in support of the strike-all amendment. Members, history is replete with injustices and disenfranchisement of voters. Today, we make history again. As lawmakers, it behooves us not to allow Florida's history to be tainted by disenfranchisement of voters.

Constituents throughout Florida are outraged at the difficulties they experienced in executing their vote. In Riviera Beach voters were turned away from the polls because their names were not on the rolls. In Boca Raton voters had problems with styluses which prevented them from voting due to the accumulation of chads. In some instances voters panicked and broke styluses. Voters were told that they could not vote because they were convicted felons; and when in fact, they were not, and were improperly removed from the voter rolls. Haitian-Americans did not receive language voter ballot interpretation assistance. Ballots were not in Creole. Voter polls were overpopulated with police presence intimidating voters.

Speaker Feeney: Representative Frankel, do you want to yield 30 seconds? Representative Harper, you are recognized an additional 30 seconds.

Rep. Harper: Members, Mr. Speaker, the list goes on and on.

In conclusion, Dr. Martin Luther King, Jr. said, "a threat of injustice anywhere is a threat to justice everywhere." Ladies and gentlemen of the House, to vote or not to vote, that is the question.

Speaker Feeney: Thank you. The Chair on this new rule, the Chair would like to apologize to the Members—this isn't on anybody's time—that it's not my intention to interrupt. But in order to make sure that the floor leaders, Representatives Frankel and Byrd, have control of their clocks, it's important that I keep tight control over each individual's speech's clock. And we will have to interrupt you. If you're in the middle of lavishing praise on the Speaker, I'll yield to you some of my time, [laughter] but otherwise we'll keep tight control.

Representative Frankel, would you like to move that we temporarily postpone the amendment and yield 30 minutes to Representative Byrd? Representative Frankel moves. All those in favor, state by saying Aye; all those opposed, Nay. [voice vote]

[Further consideration of **Amendment 2** was temporarily postponed and the House returned to consideration of **HCR 1-A**.]

Representative Byrd, you are recognized. We are back on the main resolution and you have 30 minutes.

Rep. Byrd: Thank you, Mr. Speaker. We'd recognize Representative Crow for 5 minutes.

Speaker Feeney: Representative Crow, you are recognized.

Rep. Crow: Thank you, Mr. Speaker. I rise in support of the concurrent resolution. And I'd like to restrict my comments today, Members, to talking about the United States Supreme Court and the proposition that we should wait to do something 'til they act. And I think that that's the wrong thing to do and the reason that I think it's wrong is that we have to remember that's only one case. OK?

With regard to the voting system in Florida there are over 40 lawsuits filed. Some of them are *pro se*, meaning people filed them individually but the vast majority of those cases are filed by attorneys.

Now, of course, in Florida attorneys must have a good faith basis for challenging the electoral rules. And as such those cases will have to be litigated to fruition, that means motion stages, discovery, trials, appeals. Of course, in America we're used to not defining civil litigation by terms of days or weeks but by months and years.

And so I would submit to you that, to not take an action is going to have a situation where a cloud is cast over our slate of electors. Any one of these cases could cast that cloud. Now, we also need to understand that no statute of limitations is run. There is no limit on more cases that can be filed, so therefore there is need for finality. You also have to realize that the courts have a right to take up cases *sua sponte*, we've seen that with regard to this dispute, and we may have more of that. So that is an unknown factor that could rise its head again. Of course, this is a case of first impression and even legal experts disagree on the rules that should be adopted to have finality with regard to this process. But one thing is clear, per the United States Constitution and the existing case law that exists back into the 1800s which would be considered very strong abiding case law by lawyers. If it's in place for a number of years it's considered a defining factor. And that Constitution and case law clearly says, that the state Legislature, in this case Florida, is the final arbiter of the slate of electors.

Now are we usurping any other branch of government? Certainly not, we're just taking our rightful role. And to not take an action will disenfranchise every Florida voter that thought they went out and cast a vote in November. So I believe, Mr. Speaker, the prudent thing is for the Legislature to take its legal, proper, constitutional role to ensure that no voter is disenfranchised and vote in favor of the concurrent resolution. I yield the balance of my time to Representative Byrd.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

The Chair: Representative Byrd.

Rep. Byrd: Thank you, Mr. Speaker. We would yield 5 minutes to Representative Kyle.

The Chair: Representative Kyle, you're recognized.

Rep. Kyle: Thank you, Mr. Speaker. I think it's important that we all understand our role as legislators in the election of the President of the United States. We're not here today as some people may allege on behalf of the Bush campaign. We are not here today as some people may allege to ensure victory for the Bush campaign. We are here today to ensure that 6 million Floridians who voted in this election and participated will have their voice heard on December 18th.

The U.S. Constitution is very clear that we are to ensure that our voters are represented on December 18th in the electoral college. It's not should we act or may we act; we must act. Under Article II, Section 1 of the Constitution, and I quote, it says, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in Congress. . . ."

Now this has also been addressed in the *McPherson v. Blacker* case, 146 U.S. 1. In that case as well, the Supreme Court held, quite clearly, that we have the authority and the sole authority to make sure that this happens. And I quote from that case, "This power is conferred upon the Legislatures of the states by the constitution of the United States, and cannot be taken from them or modified. . . ." And it goes on to say, ". . . there is no doubt of the right of the Legislature to resume the power at any time, for it can neither be taken away nor abdicated."

Federal law is also very clear on this issue, on when we need to intervene. There's two times when we need to intervene. It can be either, or: 1) that if there is no finality to the election contest, and 2) if the rules have changed since the date of the election, November 7th. We have both of those here today. There has been no finality with the ongoing litigation and there won't be in any foreseeable future by December 12th, today. As well as the rules have changed. The Supreme Court even changed their own rules when they came back and addressed it a second time. They've changed several times. So we have both situations and we have a duty to act. And when we do act the United States Code is quite clear on what we should do. Under Title 3, Section 2, of the U.S. Code, it provides that, "Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law. . . ." by the December 12th control date "the electors may be appointed on a subsequent day in such a manner as the Legislature of such State may direct."

Now I think the law is very clear when you read it and if we don't do what we are going to do today, then we all will have violated our oaths of office that we all took on this very floor of this great body. I think it's clear also from the intent of our founders, a quote from James Madison that was cited earlier by Representative Goodlette, that the intention of our founders was that we have this absolute power if we have a problem to come in and to do this. As an attorney, I took an oath of office. As a prosecutor, I've taken an oath. And as a Representative, I've taken an oath on this body, all to uphold the laws and rules of the Constitution of the U.S. and the Florida laws and Constitution. Don't vote against the Constitution today. Uphold the Constitution. Vote for the resolution and pass it. I want to be able to look into my son's eyes when he is older and tell him that we did the right thing today and we upheld the Constitution. Thank you.

The Chair: Thank you, Representative Kyle. He yields the balance of his time to Representative Byrd. Representative Byrd.

Rep. Byrd: Thank you, Mr. Speaker. We would yield 5 minutes to Representative Lacasa.

The Chair: Representative Lacasa, you are recognized.

Rep. Lacasa: Thank you, Mr. Speaker, and thanks to the gentleman from Plant City for yielding.

Members, I'll summarize our situation in the following manner: As of the 7th of November, candidate George W. Bush has been the certified victor of the Florida 2000 Presidential Election. However, it is unlikely that the numerous challenges filed by the Gore campaign in the state and federal courts will be resolved before the December 18th date, the date set under federal law for the designation of our electors. As a means of ensuring that our state will be counted in the electoral college, the

Constitution of the United States gives this Legislature the power to appoint electors, but which electors?

I suppose that partisanship at a time like this would strike some of my colleagues as inappropriate in this collegial body. Indeed, as a prelude to the special session, the Minority Leader stated last Friday, quote: "I know we will rise above partisanship and work for all the citizens of Florida." How does my esteemed colleague from West Palm Beach propose we reconcile our respective loyalties to each of the candidates with our need to appoint a slate of electors for only one candidate?

Partisan politics is democracy in action. The absence of partisanship suggests the absence of debate, and the absence of debate, my friends, is a symptom of tyranny. Why shouldn't we rely on party affiliation to guide us in these uncertain times? The November 7th election was a multi-party celebration of our American liberty. If the final resolution of that election is to be found here, in the House and Senate halls, then let us be loyal to the voters who elected us by letting their voices be heard.

The citizens that voted for us relied, among other things, on our Republican and Democratic party affiliations, our respective political ideals and core beliefs. Many of us embraced our party affiliation then, and they embraced us for it. Rather than hiding from my partisanship, I will use it like a beacon to guide me in this vote.

The skeptics have argued that the majority is attempting by this action to ensure the outcome of the election for one candidate. I believe these critics are too consumed by their fervor to capture the White House to realize that the only insurance we seek is that Florida's citizens be represented in the electoral college.

Today, I am acting in the best interests of my beloved State of Florida; the state that gave safe harbor to my family as they fled a one-party tyranny in Cuba. This son of Florida looks forward to a strong working relationship with the Bush White House. I believe that having won every round in this contest to date, the voice of the people will have been heard by the adoption of this measure.

In the best interests of our citizens, our state and our country, I shall support this resolution. Thank you. [applause]

THE SPEAKER IN THE CHAIR

Speaker Feeney: Thank you. Representative Lacasa yields back the balance of his time to Representative Byrd. Representative Byrd, you are recognized.

Rep. Byrd: Thank you, Mr. Speaker. We would yield 5 minutes to Representative Kilmer.

Speaker Feeney: Representative Kilmer you are recognized for 5 minutes.

Rep. Kilmer: Thank you, Mr. Speaker. Members, our colleagues in the back row would have us believe that due to the fact that there have been partial recounts in selective counties, in one portion of the state, that the current results of the presidential election are inaccurate. However, Amendment 14 of the U.S. Constitution guarantees "equal protection" to the citizens of Florida. The use of arbitrary, standardless, and selective manual recounts to determine the results of a presidential election clearly violates the Equal Protection Clause of the 14th Amendment.

Counting recounts only in selective counties also violates the Equal Protection Clause of the U.S. Constitution. Florida Statutes provide only limited opportunity, such as damaged and defective ballots, to conduct recounts. When they are permitted in statute, the recount must include all ballots affected by the relevant defect. To include votes that were identified in a partial recount of a county clearly violates the standards set in Florida Statutes prior to the election. Under the current counting process, not law, but process, votes can be counted or rejected on an extremely wide range of standards—full perforations, various degrees of partial perforations, some degree of indentations or dimpling of areas intended to be perforated, counting only consistent dimpling, and get this, they even counted dimples if the voters voted for the candidates of the same party in other races.

All of these differences, in some cases, conflicting standards were being used in the manual recounts. In fact, a resident of Wakulla County can vote, can mark his ballot exactly the same as a resident of Miami-Dade County and one have their vote counted and the other be rejected. This is wrong. We have heard allegations that since these ballots are public information under the Florida Sunshine Law, they will be counted in the future and that this may cast a shadow of illegitimacy to the presidency. I believe the citizens of Florida, and the entire country, will recognize that these groups and organizations have personal opinions and biases and that they will make their counts subjective.

It's hard to argue that another recount by a private group or citizen will be any more accurate than the ones already performed. The original counts and recounts were conducted by machines that have no bias. The selective manual recounts were supervised by local officials under the scrutiny of national media. The idea that a private recount would be more accurate than any of the previous counts is questionable at best.

Unfortunately, changes that have been made in the Florida Law by the Florida Supreme Court to allow manual recounts in selected counties has tainted the current slate of electors. The Florida Legislature has a duty to the citizens of Florida to protect our voice in the electoral college. We must select an untainted slate of electors under the laws of the state of Florida that existed prior to the election.

Members, this is our duty. It is our constitutional responsibility and we have no choice. Six million voters cannot have their votes disenfranchised. We must do the right thing and we must do it for the right reasons.

Thank you, Mr. Speaker, and I yield my time to Representative Byrd.

Speaker Feeney: Thank you, Representative Kilmer. Representative Byrd, she yields back the balance of her time and you're recognized.

Rep. Byrd: Thank you, Mr. Speaker. We'd like to yield 5 minutes to Representative Wallace.

Speaker Feeney: Thank you. Representative Wallace, you're recognized.

Rep. Wallace: Thank you, Mr. Speaker. Members, when I first ran for this House in 1994 I had never heard of undervotes, hanging chads, canvassing boards, or automatic recounts. As it turned out, I won the election first by 19 votes and then by 24 votes out of 7,152 that were cast. And I thought that was a close election. And I thought that up until this presidential election. It turns out I had a landslide back in '94.

Are Florida voters different than voters from around the nation? Are Florida voting systems less accurate than any around the nation? The answer to both those questions is no. Any state with such a fantastically close vote would be having identical problems. And there would be similar dynamics wherever the vote was this close. Indeed, Oregon and New Mexico are having the same elements of this contest. There is nothing wrong with Florida voters.

The close vote and the pivotal nature of our 25 electoral votes makes Florida the fulcrum that can tip the balance one way or the other. And fate has made Florida's inability to make a wide margin decision the center of this drama, 537 votes out of more than 5,963,000 that were cast. Who could imagine an election so close that one precinct could decide so much import for the nation and the world. But Americans put our faith in the electoral process. We hold ourselves out to the world as a bastion of democracy, and we tell them, this is how you should do it. Does one squeaker of a presidential race, and all the jokes about Florida, take away from that? I don't think so. We have just had tougher questions to answer.

When there was 1,784 vote margin after the first machine count, this comprised .0003 percent of the total vote. That's 3/100ths of 1 percent was the margin. And there were still 175,000 undervotes or almost 2.8 percent. Now this would make anyone naturally curious, why are there so many unvoted ballots? Should they be reinspected? But look at some of the other states: Ohio had 4.5 percent undervote; Massachusetts, 1.1

percent; New Hampshire, 2 percent; Oregon, which has had a close race, had 2.1 percent; New Mexico had 3 percent. Indeed nationwide there was 2.5 million uncounted ballots or undervotes, that was about 2.4 percent. Undervotes are a common phenomenon that we only learn about when close races come upon us. I know that that was my case in 1994. In 2000, my race was not that close but in Hillsborough there was a 7.5 percent undervote in my race and in Pinellas a 7.6 percent undervote. The area of the state that has the greatest affinity for Al Gore had the most curiosity about that undervote: Palm Beach County, 6.3 percent; Broward, 2.2 percent; Miami-Dade, 4.4 percent. And those undervotes bore the greatest scrutiny and were checked and rechecked. Those 3 counties produced a margin of lead for Al Gore by over 355,000 votes and after all the magnifying glass inspections there was about an 1,100 vote gain. But the result did still not change the outcome. I know this, when you have a machine count you can have machine error and when you have a manual count you can have human error and you have also introduced human desire as an element. Is a manual count more accurate? I'm not sure. But undervote is a political reality and our undervote is in line with the rest of the nation. In fact, probably Florida has less undervote than many states because of the hot contest that we had in Florida.

One thing is for sure in all this, every Floridian and every American ought to understand full well the importance of their vote, they should remember this lesson for the rest of their lives. Your vote can change the course of human events. What faith Americans have had in the integrity of people and equipment in our elections; this unbelievably close, statistically improbable count has stressed our system. It's tested our faith. And we can now only judge by the information that has presented itself to us in those little void spaces in card stock. The will of the people has been so quantified. But, I also believe that Americans are problem-solvers, and we will learn more about our elections. . . .

Speaker Feeney: Representative Wallace, we engineers and friends of engineers have to run things on time, and your 5 minutes is out. Representative Byrd, do you wish to yield an additional 30 seconds or minute?

Rep. Byrd: A full minute, Mr. Speaker.

Speaker Feeney: Representative Wallace, Representative Byrd yields an additional minute.

Rep. Wallace: Get a recount on that, Mr. Speaker? [laughter] I need 2 minutes.

Speaker Feeney: Representative Wallace, I understand that Representative Byrd yields 2 minutes.

Rep. Wallace: Thank you. The executive branch in this state held an election and called it statewide for George Bush. The judicial branch had made rulings here and there and had been unable to conclude the matter. By the dictates of the U.S. Constitution, the responsibility to determine the outcome now rests with the Florida Legislature and we must resolve the issue. The orderly processes of our nation demand it and like so many things in life we do not have unlimited time. But, I am certain that the original count showed George Bush the winner in a very close race. And I'm certain that statewide recounts reasserted George Bush the winner. And I'm also certain the manual recounts in some of those most pro-Gore areas have failed to change the fact that George Bush won. And if we did count the whole state undervote by hand, I'm certain that it would only add votes to George Bush's victory. My conclusion is this. George Bush won Florida four times and it has come down to this premise, do you believe in majority rule and can you accept someone as a winner even if they win only by one vote?

Members, if you have any doubt as to who won this election, then I suggest you try another approach and vote the way your district did. And I went to confirm what District 47 did in this race and I found that George Bush won by 4,100 votes or 53 percent. And that made my decision much easier. Mr. Speaker and Members, I urge you to vote your conscience and believe the results and vote for the slate of electors that will vote for George Bush for Florida. Thank you, Mr. Speaker. [applause]

Speaker Feeney: Thank you, Representative Wallace. Representative Byrd, you are recognized.

Rep. Byrd: Thank you, Mr. Speaker. We yield 5 minutes to Representative Detert.

Speaker Feeney: Representative Detert, you are recognized.

Rep. Detert: Thank you, Mr. Speaker. The U.S. Constitution is very clear; it says that we must act. It is not a question of should we act or can we act; it is not our opinion or choice. It is our duty as sworn elected officials to make sure Florida's voters are represented on December 18th. This is not an insurance policy for George Bush. This is an insurance policy to make sure that the voices of 6 million Florida voters are heard in the selection of the 43rd President of the United States. We need finality.

Winston Churchill once said: People who are not prepared to do unpopular things and defy clamor of the multitude are not fit to be ministers in times of difficulty. Secretary of State Katherine Harris, has done exactly this. She bit the bullet and performed her duties as required by law without considering the political ramifications or public opinion polls. And this is exactly what we must do, today.

Section 102.112 of the Florida Statutes, provides that the returns must be filed by 5:00 p.m. on the 7th day following the primary and general election. Further, "[i]f the returns are not received by the department by the time specified, such returns may be ignored and the results on file at that time may be certified by the department." This section contemplates unforeseen circumstances not specifically envisioned by the Legislature at the time of enactment. Such unforeseen circumstances might include a natural disaster. Certainly we live here in Florida and we have had to cover unforeseen circumstances such as hurricanes. This statute does not cover close elections. The statute plainly states when this process must end.

There's been much criticism of Secretary of State Katherine Harris, who happens to come from my community. And there's been a question of whether or not she should recuse herself. I've certainly heard this argument, and know you have too, since she campaigned for Governor George Bush. I think this is a ludicrous argument. If you work in politics, as we all do, it's impossible not to be supportive of one presidential candidate or another. If we do not make the decision today and this decision should be bumped up to the Congress, I have never heard one person say that Vice President Al Gore should recuse himself in a tie-breaker vote in the Senate. I have not heard one person say that Senator Lieberman should recuse himself and certainly no one has more of a vested interest than those two gentlemen have.

As a female legislator I'm proud of the fact that sitting here today we have 31 women on the floor of the House of Representatives. I think that's great. It's still only one-fourth of the Legislature, but it's still good for those of us who, on both sides of the aisle, spent decades encouraging women to run for office. Secretary Harris is our Secretary of State and our only female cabinet member. I'm proud of our 31 House Members. I'm proud of Secretary of State Katherine Harris and the job we've done. But I think as women legislators we want to be judged on our integrity, not our eye shadow, our competence, not our clothing, the hard work that we do, not the way we do our hair. I think Secretary Harris did her job. I think she performed her duties according to the Florida State Statutes and I feel that we must do the same.

I think we've gone past election day, through Thanksgiving, and we are now nearly to Christmas. This has been a historic voyage and certainly a remarkable civics lesson for all of us and for the rest of the country as well. The public has shown great patience and a heightened interest in the political process. And I think we've all learned from this experience, but it's now time to stop. I represent the citizens of Sarasota County. All of our counties have become famous nationwide—mine is Sarasota. My citizens voted for George Bush and like Representative Wallace I feel confident in supporting this resolution because of that. But the public is ready to move on. And I'd like to finish up by making one comment to the freshman legislators.

Speaker Feeney: You're going to need 30 seconds to do that. Representative Byrd yields 30 seconds.

Rep. Detert: I can do that in 30 seconds. Freshmen, this is the second time you'll ever have voted as House Members. The first time was for the important duty of picking the Speaker. Democrats generally voted for Minority Leader Frankel; Republicans generally voted for Speaker Feeney. After that vote in a magnanimous gesture of unity, Representative Frankel conceded and threw all of her support to the Speaker so that we could, after this vote, come together as Representatives. We need to take the vote today. We again need to come together. We need to get on with the business of Florida and that also includes campaign reform. Thank you.

Speaker Feeney: Thank you, Representative Detert. I can assure you Representative Frankel is not ready to concede yet, but she may or may not make it unanimous before the day is over. Representative Byrd, you are recognized.

Rep. Byrd: Thank you, Mr. Speaker. We yield 4 minutes to Representative Flanagan.

Speaker Feeney: Representative Flanagan, you're recognized.

Rep. Flanagan: Thank you, Mr. Speaker, Members. I speak in support of the resolution. As the most recent Chairman of the House Committee on Election Reform, I've taken a special interest in the issues surrounding the election of our 43rd President of the United States. One of the most distressing aspects of this situation has been the allegations that Florida's election system is somehow fundamentally unfair.

Republicans and Democrats alike have worked hard on the Election Reform Committee, and in the Florida Legislature—for many years in fact—to make sure our system is fair and enfranchises as many people as possible. We have always striven to strike the balance between making it as easy as possible to vote and eliminating fraud and abuse. We all realize that a perfect system is unattainable. But I believe we have created an extremely fair system, a system that is blind to race, creed or social status and treats every vote equally. A system that, under normal circumstances, works very well.

Of course, these circumstances are far from normal and our system has been put under great pressure, under the microscope of national attention, exposing every flaw and blemish, and yes, every dimple.

It's important to remember, however, that under more normal circumstances and without the heavy-handed influence of the Florida Supreme Court, our election system is fundamentally sound and would have operated properly. It is also important to remember that there have been no allegations of widespread fraud or criminal conduct. And the Florida's Supervisors of Elections and the Canvassing Boards have done an incredible job under extreme circumstances. The problems we are facing are not a result of some fatal flaw in our laws or our Constitution. The problems we are facing are largely a result of the endless and continuing legal wrangling perpetuated in response to the closeness of this election, as well as the actions of numerous courts.

Some say that we should just let the judges and the lawyers decide this issue. However, the Gore lawyers have consistently said they will fight until the bitter end. On this, we can probably take them at their word. That, combined with the multitude of unresolved court cases, leaves the door open for the possibility that Florida's electors will be called into question. It also makes it even more incumbent upon this Legislature to proactively act to fulfill its constitutional duty by ensuring that all of the voices of the 6 million voters are heard in the selection of the 43rd President of the United States.

We've had almost six weeks of legal wrangling, with no end in sight, and any state's elections system would be hard-pressed to hold up under such pressure. Ours, however, has performed admirably.

Again, let me say that our system is fair—not perfect—and while there are obviously a few changes to be made, we should all be proud of how Florida has performed in the national spotlight, Mr. Speaker, and the nation should be thankful that this unforeseeable, unimaginable situation occurred here.

Mr. Speaker, Members, thank you. And I yield back the balance of my time.

Speaker Feeney: Thank you, Representative Flanagan. Representative Byrd, you're recognized.

Rep. Byrd: Thank you, Mr. Speaker. We yield 4 minutes to Representative Rubio.

Speaker Feeney: Representative Rubio, you're recognized.

Rep. Rubio: Thank you, Mr. Speaker and Members. I want to address a point real quick, Mr. Speaker, that's been said a few times since this process began, and my good friend, Representative Gelber, just said a few moments ago. And that's that we already have a certified slate of electors, and that is correct. What, unfortunately, they leave out is that that certified slate of electors is unfortunately tainted by two subsequent Supreme Court rulings that place it into highly questionable status.

Obviously, the first ruling, was the one that the Florida Supreme Court unilaterally extended the deadline for vote certification by twelve days. And in the second decision, the Florida Supreme Court, in a four-three decision, overturned the circuit court's determination to dismiss Gore's request for selective recounts.

Now as we've already heard from Representative Byrd and Representative Goodlette, Article 2, Section 1 of the U.S. Constitution expressly delegates to us, the state Legislature, the power to determine how a state's presidential electors are selected. Additionally, the Florida Supreme Court ruling violates a constitutional tenet that says you can't change the rules of the election after that election has passed.

For these two reasons we have a highly questionable slate of electors, not because of the result, but because of the process by which it was arrived at, because the Supreme Court has interfered with it, obviously overextending the limits of their bounds and of their powers. And therefore, we need to address that in this body here today—by today, December 12th—which is the date that the Constitution sets as the so-called safe harbor day.

Now, just three weeks ago today, around this very time, the 120 Members of this body raised their right hands and took an oath of office, and that oath of office was to uphold the Constitution of this state and this country, not to support George Bush, not to support Al Gore, or the Republican or Democratic party, but, to uphold the Constitution. And that is what we are here to do. We are going to consider a lot of important issues in this Chamber. As they have been in the past, they will be again in the future. But I can guarantee every Member of this body that, never, will we ever, consider an issue more solemn and more sacred to this democracy, than the one that we consider here today.

For those of us, like me, who serve here hoping that one day this process will give us the opportunity to contribute to the greatness of this nation, that one day, we will have the opportunity to have our piece of this great history. My friends, that day is today. Thank you.

Speaker Feeney: Thank you. Representative Byrd, you're recognized.

Rep. Byrd: Thank you, Mr. Speaker. We yield 4 minutes to Representative Sorensen.

Speaker Feeney: Representative Sorensen, you're recognized.

Rep. Sorensen: Thank you, Mr. Speaker and thank you, Mr. Byrd.

I will just simply try and make a couple of points that I think have been left out. We are not here today to select a Gore slate, a Bush slate. We are here for one simple, clear purpose, which is to protect the vote of all, all Floridians.

It is important that we recognize the Florida vote is maybe in jeopardy. The scenario in the last 30 days was absolutely unbelievable to each and every one of us. Everyone in this room has had an up, a down, and probably multiplied by five or ten. The truest possible scenario with 30 lawsuits out there pending right now.

Let me draw another scenario for you. A circuit court judge who has the power to do so, turns to Katherine Harris, and says: I order you not to certify, it's not going to happen. You must withhold that. That's possible within the power of the circuit court. At that point if we walk out of this Chamber and have not, in effect, put the foundations under this, we do not have electors. I want you to just stop and think about that for a second. We have—the trial courts do not have that potential to order this body to do that. So what we do here is we stand to protect those rights. And that is what I'm suggesting that we do. Our actions will guarantee the voice of Florida Legislators and the people we represent, mostly the people we represent.

If the U.S. Supreme Court, in fact, turns around today, tomorrow, or next week and orders a recount, the reality is the court has the potential to direct the Secretary of State to certify those results also.

And believe it or not, those great men of two hundred years ago stood with rather long hair and tied with ribbons in many cases, and sat in dim daylight and candlelight at home, foresaw what's happening here today. They also foresaw that if we took this vote, and a dual slate became a reality, that in fact, under that situation, they provided a remedy, also. If in fact we have a recount, and if Mr. Gore wins the recount, I doubt very seriously if the two slates went up to Washington that our Congress would do anything other than certify the winner of the actual recount. So, I would say to you, ladies and gentlemen, please join with me, support this resolution. The steps are spelled out in the Constitution, this is just one step along the way. I would say one more thing or two, possibly. Breathe easy, fulfill your duty, do your constitutional duty.

In closing comment, I would say, no one in this Chamber has an exclusive right on minority. I would tell you that my father was an immigrant to this country, from Denmark. He taught me three things: he said learn to speak good American, not English, but good American; he said get a good education and follow the law. So, I too am a minority. In fact, I as a Dane, I may be the smallest minority, and I want you to listen to me. Thank you very much, Mr. Speaker. [applause]

Speaker Feeney: Your father would be proud, Representative Sorensen. You are three for three, and you especially speak good American. [laughter]

Representative Byrd, you are recognized.

Rep. Byrd: Mr. Speaker, we would reserve the remainder of our time.

Speaker Feeney: Representative Byrd reserves the remainder of his time. Representative Frankel moves that the House do now return to the consideration of the Frankel amendment. And if I may have the Clerk read the amendment, back on consideration of the Frankel amendment.

[The House returned to consideration of **Amendment 2**, which was read.]

OK, Members, I believe we are going to have debate now on behalf of the proponents of the Frankel amendment and at the end of that debate, it would be the desire of the Minority Leader that we would take a vote on the amendment. Representative Frankel, you are recognized.

Rep. Frankel: Thank you, Mr. Speaker. I yield the 5 minutes to Representative Ryan.

Speaker Feeney: Representative Ryan, you are recognized for 5 minutes as a proponent of the amendment.

Rep. Ryan: Thank you, Mr. Speaker. I've listened very carefully to the debate and a thought recurs in my mind—what are you looking for? And so I ask you Members, "What are you looking for?" If you want to follow the laws of the state of Florida, and you want to have the electors appointed in accordance with Florida law, then we need go no further than look at Florida Statute 103.011. We have in place Florida law that states that the presidential candidate that receives the greater number of votes shall be the candidate that receives all of the electoral votes of

the state of Florida. And it also further says that the Secretary of State shall certify those results, and they shall be sent to Washington, D.C. That's all contained within Florida Statutes. That having been said, there is not a necessity that we turn to a federal statute when we have a controlling state statute on this point.

There has been some reference to—in fact, there's been a great deal of reference to—a certain provision in the Federal Code, 3 U.S. Code, Section 2. And that says that if the state fails to make a choice then the Legislature may make a choice. In this case, the Secretary of State has made a choice; she has certified the results. Governor Jeb Bush has signed a Certificate of Ascertainment and he has sent that certificate to the Archives in Washington, D.C.

We have made a choice. And when you look at statutes—and you will look at many of them over your career—you're going to look at state statutes, and one of the first rules is that you should look at the clear meaning of the words within the statute. And I think the words are pretty clear, if the state has failed to make a choice then we could make a choice. What it doesn't say, is if the election result is in doubt, if the election is inconclusive, if lawsuits are pending, then we have the right to make the choice. That's not what the law says. We're duty bound to follow the law and thankfully both Republicans and Democrats on this floor have stated and made their allegiance to follow the law.

We have plenty of election laws in place that settle disputes. We have election laws that direct for an automatic recount if the vote is within one-half of 1 percent. We have an election law that states that a candidate has an absolute right to request a manual recount. We have an election law that gives canvassing boards the right to review ballots and to make a manual recount. Now we have given canvassing boards that right. If we are upset with that right, if we think that it is being done improperly, then it's not our position to come before this body and decide what the canvassing boards are to do—this is a duty of the courts. We have a very important checks and balances. We have separation of powers. And it is not for us to make the decision on whether or not the canvassing boards are properly counting disputed ballots.

Some of us may not like the laws that are now in place, but we are duty bound to adhere to those laws. I've also heard some argument about judicial activism and the fact that the courts have rewritten the laws rather than to adhere to our existing laws. That's a subject for debate, whether or not laws have been interpreted or these laws have actually been rewritten. But it is not a question that if there is a wrong, you cannot engage in two wrongs—two wrongs don't make a right. And, if in fact, a court has gone too far in making a determination, that does not give us the authority to then go beyond our authorization to enter a resolution which is unlawful. The foundation of our democracy is based upon the premise that all power is derived from the people. The people have an absolute and sacred right to vote and allow those votes to be counted.

The Legislature is not empowered to substitute its will for the will of the people. That must be respected. Our existing state law must be honored, even though the election is very close. We're all now ready to embark upon a decision. It's a defining moment in our careers. Are we going to vote based upon what our existing law is or are we going to try to put together a theory, to cobble together statutes to try to come up with the result that we want? The ends don't justify the means if we have to ignore our rule of law in order to reach those ends. And so I ask you all to support the amendment that says that we shall not take action on this ongoing. . . .

Speaker Feeney: Thank you, Representative Ryan. Almost perfect timing. Representative Frankel.

Rep. Frankel: Thank you, Mr. Speaker. I yield 1 minute to Representative Fields.

Speaker Feeney: Representative Fields, you're recognized for 1 minute.

Rep. Fields: Thank you, Mr. Speaker. Today I rise to speak in favor of the amendment.

A great man from Jacksonville at the turn of the century by the name of James Weldon Johnson, an educator, a statesman, and the first secretary of the National NAACP, wrote what is now known as the Black National Anthem. And he said: "Lift ev'ry voice and sing. Till earth and heaven ring. Ring with the harmonies of Liberty. . . ." And I rise today for that liberty, for the disenfranchised 22,000 discarded voters in my district. I rise for the 40,000-plus discarded voters and undercounts in the state of Florida. I rise for my late, great grandmother who could not vote in the 1920s, for my grandfather in the 1960s, who had to pay a poll tax to vote, and, for my 13-year-old son, who I wish when he becomes 21 would not go through the stages and the changes that we are going through today.

Speaker Feeney: Thank you, Representative. Representative Frankel, you are recognized.

Rep. Frankel: Mr. Speaker, I yield to Representative Greenstein for 3 minutes.

Speaker Feeney: Representative Greenstein, you're recognized for 3 minutes.

Rep. Greenstein: Thank you, Mr. Speaker. Ladies and gentlemen, I rise just a couple of quick moments to tell you, we do have a duty, we did swear an oath to the United States Constitution. But the amazing thing that I've found so far, is for all the thousands and thousands of attorneys out there giving their opinion, we've come down to two. And it comes from constitutional specialists, you have yours, we have ours. We're both defending the Constitution but where interpretation is a little bit different. So, when someone stands on the high ground of the United States Constitution, remember, that document was written over 200 years ago. And it is a very fluid document. It is a document that gives a lot of credence to change, a lot of credence to where we are today—some in the front, some in the back but giving us the right to be in here. So when you're saying that you have an oath to defend the Constitution, that's right, but don't think that either one of the opinions are absolutely the truth. Sometimes we're driven by outside forces.

I have to tell you I'm pretty impressed, Representative Maygarden. My mother wanted me to be an attorney, too, and I didn't become one. And I assure you I make more legal opinion in one day than some attorneys might want to.

But freshmen, let me turn you to the most important piece of paper you'll see here. It's an analysis, and on the current bill that's in front of us, you have an analysis, but one of the things that is left out of the amendment that you're not hearing is the substantive analysis. I truly think that this has an important structure of less government, because we shouldn't be making this decision 'til the Supreme Court makes a ruling. Individual freedom, because you have the right to vote; personal responsibility, it is also your right to vote; and family empowerment, ladies and gentlemen, don't disempower anybody. And I, like Jerry Maygarden, think every vote should count, no matter where they come from. And I truly, as a veteran, and a disabled veteran, think every vote, and last Friday showed that every vote was going to be counted. Ladies and gentlemen, it is important that we support the strike-all amendment because it allows for the ability of us to give a little bit push back here and wait and see what the Supreme Court is going to do, either today or tomorrow. I pray and hope you all can see it in your heart to vote for the strike-all. Thank you, Mr. Speaker.

Speaker Feeney: Thank you, Representative Greenstein. Representative Frankel, you are recognized.

Rep. Frankel: Thank you, Mr. Speaker. I yield 1 minute to Representative Bullard.

Speaker Feeney: Representative Bullard, is the former Representative Bullard here today with us? Well, will you tell her we all said hello? You're recognized.

Rep. Bullard: Thank you, Mr. Speaker. I rise today to speak in favor of the amendment. I stand here today as a newly elected legislator, but most important, as a voter. The right to vote, especially with the African-American, was earned by bloodshed and death. Yes, many

suffered for this right. And on this occasion we have an obligation as lawmakers to protect the right of the voter. Do we not believe that justice will not prevail in one of the most important decisions rendered in the United States, the election of our commander in chief? One man, one vote, is the everlasting legacy left by our forefathers.

We have an obligation as Members of this great House to mend the rift that plagues our nation. We stand at the crossroads of history. Let our decision be the right one and just. We can do this by supporting the strike-all amendment: electing the President the way it was intended, by letting every vote count. Thank you, Mr. Speaker.

Speaker Feeney: Thank you, Representative Bullard. Representative Frankel, you are recognized.

Rep. Frankel: Thank you, Mr. Speaker, I yield 3 minutes to Representative Cusack.

Speaker Feeney: Representative Cusack, welcome and you're recognized. Representative Cusack, is your microphone. . . ?

Rep. Cusack: It is on now. Thank you, Mr. Speaker.

Speaker Feeney: Start Representative Cusack's clock as of now.

Rep. Cusack: Thank you, Mr. Speaker. I stand here to speak in support of the strike-all amendment.

On November 7th in the year 2000, I had the opportunity to be a part of four generations, my mother, my daughter, my granddaughter, and myself, to cast the vote for me to become a part of this august body. As the Representative from House District 26, it is my duty to protect and defend the will of the people. That includes all of the votes that were cast for President on November 7, regardless of party affiliation or political belief.

We should not disenfranchise the voters of this state. I am honored to live in a country that allows all of us the opportunity to vote and have that vote counted. We need to step back, take a deep breath, and wait for the courts to rule.

This is a sad day in our nation's history, in our state's history, also. We must be very careful, to the manner in which we handle the authority that the citizens of this great state have placed in our hands. As legislators, we should not, under any circumstances, be here today. Our being here appears to be for the sole purpose of avoiding the rights of the citizens of this great state. We have a set of laws in place to determine the outcome of close elections and a process for contested elections. The matter of appointing Florida's electors should be allowed to proceed through our judicial system, in accordance with the separation of powers that is outlined in our state and federal constitutions.

This is a democracy. Every vote counts in a democracy. The power of democracies rests with the people. As legislators, we must respect the will of the people, not like unto that of a dictatorship. It is not a matter of who wins. What does matter is that we respect the will of the people and follow the rule of the law. Thank you, Mr. Speaker. [applause]

Speaker Feeney: Thank you, Representative Cusack. Representative Frankel, Representative Cusack yields back the balance of her time and you're recognized.

Rep. Frankel: Thank you, Mr. Speaker. I yield to Representative McGriff for 1 minute.

Speaker Feeney: Representative McGriff, you are recognized.

Rep. McGriff: Mr. Speaker, a point of privilege. You said if we said nice things about the Chair. . . I would like to. . .

Speaker Feeney: You've got two years ahead of you, Representative McGriff, [laughter] we'll give you all the time you need.

Rep. McGriff: But as you know we're a part of history and I would like to congratulate our leadership, Representative Frankel, Representative Wiles, the Majority Leader Fasano, Representative

Byrd, and you, as our Speaker. These are tough times. America is looking at us. Florida is looking at us and the world is looking at us. Thank you, very much. I'm ready to start. [applause]

Speaker Feeney: That's well said, Representative McGriff. Either side would be proud to have that one on their record. Representative Frankel, you're recognized.

Rep. McGriff: That was not my comment. [laughter]

Speaker Feeney: Oh, now you have a minute. I hope you don't undo the great things you just did, Representative McGriff. [laughter]

Rep. McGriff: I won't, I promise.

Speaker Feeney: Representative McGriff has 1 minute restored.

Rep. McGriff: Mr. Speaker, I support the electors already sent by Katherine Harris and by Governor Jeb Bush. I think the best thing to say is a short speech that government should be of laws rather than of men. Thank you.

Speaker Feeney: Thank you very much. Representative Frankel, you are recognized.

Rep. Frankel: Thank you, Mr. Speaker, I feel like this is a football game. Do I have to get more time back on the clock?

Speaker Feeney: Representative Frankel, we're not going to move the field goals up or back, or the time either way. You have an hour and 7 minutes. I've got you scheduled in your last two sections to debate against the resolution about 57 minutes that you had tentatively scheduled. So if you've got a couple of people you'd like to talk at this point, you're recognized.

Rep. Frankel: Thank you, Mr. Speaker. At this time I would yield to Representative Slosberg for 2 minutes.

Speaker Feeney: Representative Slosberg, we've got to turn your mike on so we can all hear you.

Rep. Slosberg: Thank you, Mr. Speaker. I rise today to speak in favor of the amendment. I am here representing the great people of Boca Raton and Delray Beach, Florida. Thanks for sending me here, guys. I love you. Anyway, I just want to share a little note from one of my constituents. Her name is Rose Glushakoff from Century Village in Boca Raton. She says, "You must take care of your people. We are putting all of our hopes in you. You have a lot to conquer, but being the mensch that you are it's just another hurdle for you." Rose, I'm sorry. You sent me here for lower cost prescription drugs. I'm sorry because of the fact it seems like I'm here voting for President. Rose, I'm sorry on another account. Basically, what happened to senior citizens is the government is chipping away at your income and now you know what's happening, Rose? They're trying to chip away at your votes. Rose, the only comfort that I can give you and the citizens I represent in District 89 are a few words. Basically, it's not over until the fat lady sings and nobody has seen the fat lady yet.

Speaker Feeney: Thank you, Representative Slosberg. Representative Frankel, do you have rebuttal or. . . ? [laughter] You are recognized. [laughter]

Let's stop the clock until the House can compose itself. Representative Frankel, you are recognized.

Rep. Frankel: Mr. Speaker, you do not want to hear me sing, I can assure you, unless Representative Fasano would join me. Mr. Speaker, I will waive 1 and 1/2 minutes to Representative Jennings.

Speaker Feeney: Representative Jennings, you're recognized for 1 minute.

Rep. Jennings: Mr. Speaker, I rise to support the amendment. Mr. Speaker, as a five-generation Floridian, I stand here as a product of the promise of America. Representing a majority district in the words of the late Robert F. Kennedy, some men see things as they are, and ask why? But, I dream of things that never were and ask, why not? My forefathers

and mothers could never have imagined that I would even have the opportunity to stand among men and women of great esteem in this historic institution we call the House of Representatives to weigh in on this election of our President and the future of our great democracy.

As I reflect on our unparalleled history, even in our representative democracy, our foundation is one man, one woman, one vote. The Peoples' House, as we affectionately call it, was established at the national level so that the rights of the citizens in smaller populated areas, like my home of Gainesville/Ocala, would also always be represented and never not in question as compared to the other counterparts of more rural and urban areas like Jacksonville, Miami, Panama City, Palatka, and even Imperial Polk, and those words would not be eroded.

I remember during our first orientation, that Mr. Clerk informed us of the historic nature of this great freshman class and that we sat as a quorum in the Florida House. All of us, Republicans and Democrats alike, were excited about making alliances to set the agenda for Florida in the new millennium. I was even more emboldened, Mr. Speaker, by your comments of us working together during the Organization Session. But in the recent days of the impending special session I have seen the environment of the House grow dark and somber where once Members in a bipartisan. . .

Speaker Feeney: Representative, let's—Representative Frankel, would you like to yield a minute? An additional minute.

Rep. Jennings: But in the recent days of the impending special session I have seen the environment of the House grow dark and somber where once Members in a bipartisan fashion spoke to each other with a jovial exuberance. And, they expected to see a collegial session and now hesitate to glance to each other because they expect to draw ire. We must today begin to remove the cloud of the uncertainty and not go quietly into that dark night. We must remember our role in a tri-party uniquely American system of government. We make the laws and the judicial branch interprets them. We made them and let's allow them to be interpreted. Even when we are uncomfortable with the results we go on to fight another day, never questioning the legitimacy of our courts' authority. From Dred Scott to Plessy to Brown to Roe, from Chief Justice John Marshall to Justice Thurgood Marshall, the courts have always been the supreme arbiter of the rights of all the citizens. Let us have faith in them that the Florida's 6 million votes cast will continue to be represented in the electoral college as they are today, but most of all let us have faith in the One that I call God, who has shown us that though it is always darkest before the dawn, but joy does come in the morning.

Speaker Feeney: Thank you, Representative.

Representative Frankel, I understand that you'd like to close on your amendment before the vote. And before you take some time to close I'd like the proponents' time to begin and the opponents' time to the main resolution to stop. And I'd like Representative Byrd, who yields himself 5 minutes, to close in opposition to the Frankel amendment. And then Representative Frankel will be recognized to close on her amendment.

Representative Byrd, and this time will be counted against proponents of the main resolution.

Rep. Byrd: Thank you, Mr. Speaker. I rise in opposition to the Frankel amendment. Members, I am happy that the amendment is on the board. You can purely read that the amendment says that the Florida Legislature shall take no action, that the Legislature shall take no action. And that we shall merely congratulate the next President of the United States.

I didn't come to Tallahassee to be a "do-nothing." I didn't come here to abdicate my constitutional responsibility. In the 1850s in our nation there was a political party called—the Know-Nothing political party—and when they were asked a question they said we don't know nothing. And they didn't do nothing. And they didn't last long. And it was over by 1855.

There's a yearning in our country, in America. There's a yearning in the state of Florida. There's a yearning for finality. I received a letter

this week, a scratchy handwritten letter, from Woodland Hills, California; I've never been there. "Saw you tonight on T.V. and just wanted to let you know you have the support of millions of us across the country who applaud the anticipated action of the Florida Legislature. God bless and do your duty."

I want to be a member of the "do-something" party. I want to be a member of a Legislature that does everything. I want to be a member of a Legislature that does all we can do to do our duty, to protect, support, and defend the Constitution and the government of the United States of America. This is a day of decision. I'll talk to you a little later about the prayer we have for heroes in our church. But today is a day of action, Members. Mr. Speaker, I rise in opposition to any motion to take no action. Thank you. [applause]

Speaker Feeney: Thank you, Representative Byrd. The balance of your time is to be reserved to the proponents of the main resolution.

Representative Frankel, would you like to yield yourself up to 10 minutes?

Rep. Frankel: Yes, Sir.

Speaker Feeney: You're recognized to close on the Frankel amendment.

Rep. Frankel: Thank you, Mr. Speaker. Here's what we know. We know that the federal law and the U.S. Constitution gave this state of Florida the authorization to have an election, which we did on November 7th, 2000. And we know that 6 million Floridians went to the polls. And we know that at that time George Bush was the apparent winner. And that under Florida law, that we wrote, that this Legislature wrote, Al Gore filed a protest and that under Florida law he was allowed to have a manual recount of the votes. And we also know that on November 26th there was a certification of the electors to George Bush and that's now sitting in the National Archives. And we also know that under Florida law—you can look in a book just like this—we authorize Al Gore, or any candidate in that situation, to file a protest. And we also know, and you can read it right here, folks, right in the law books, that we said, the arbiter of that contest would be in the courts, not the Legislature, it would be in the courts. I know we all know that.

So I can tell you first of all that it hurts my heart that we're here in this terribly, terribly partisan situation where, I tell you this is the first time in all my career that I have found that we had something on the table that we can find no compromise. Think about that, we can find no compromise. But it also hurts me to hear, in this very Chamber, criticizing our own laws. We criticize that someone asks for a recount, it's right here. We criticize that someone protested an election, it's right here. We criticize the talk about chads and dimples and so forth. Who set the standard, who set the standards that these canvassing boards and judges are trying to assess? Right here, folks. Try to discern the intent of the voter, right here in this law book, folks. It hurts me that we're criticizing ourselves. And it hurts me to hear people on the outside calling us, saying that we are strong-arming the voters, we're thieves because we're stealing their voting rights, that we're undemocratic, that we're acting as the political arm of a presidential candidate. What we're doing here today, no other Legislature in the history of this country, where there has been a lawful election has ever done. This is unprecedented. This is extraordinary. This is unfair, this is unnecessary. And, I'm sorry to say, I believe, that it is unlawful. We do not have a right to be doing this. I ask you, are we protecting our electors or are we protecting certain electors of a certain candidate? It appears, I believe, that we are running around, right around our voters.

Now, I will tell you this, many times in this past month I have wanted to put my head out the window, I remember—you all saw the movie *Network*, well I have wanted to put my head out the window and yell, "can't we just count the votes?" We've seen carpetbag protesters and every legal ploy possible to stop the counting of votes. And you know what? Maybe we're not going to get these votes counted until after the election. And I will tell you this, if the United States Supreme Court decides today we won't have a recount, I will be very disappointed, but I can accept it. I will live with it. But I cannot accept what we're doing

here today, because I know what we are doing here today is dangerous and we invite every state Legislature, if they don't like the way an election went in their state, to do the same thing. And think about what this would do for the stability of our electoral process.

Folks, by the end of the day a George Bush may become President, maybe not, we don't know yet. But that should not be up to us, that should be up to the voters of this state. We all had our vote on November 7th, we get one vote. If the rule of law is going to mean anything, we cannot simply discard laws for inconvenience, just because we don't like them, just because maybe we're seeing they're going in a direction where we don't turn out to be the winner. I say this with a very heavy heart, because I don't believe anybody here would want to violate the very laws that we make.

And Mr. Speaker, I do say this really with the spirit of friendship. I know we've had some kidding around back here but I really believe this is a very good amendment, folks. All it says is that we are going to live by the laws that we wrote. We have an election process and no matter how impatient we get, or no matter how anxious we get that maybe the candidate of our choice will not win, we cannot put ourselves above the law. And with that, Mr. Speaker, I respectfully request that everybody here vote for this very good amendment. It says to us that we will take no action to interfere with a lawful ongoing election process. And with that, Mr. Speaker, I say, let's go home.

Speaker Feeney: We're going home but probably not just yet, Representative Frankel. Thank you for your moving close.

Representative Frankel, would you like to move the absence of a quorum so we can make sure that 120 Members checked in this morning? Make sure we give everybody a minute to get to their desk to vote on the Frankel amendment. Representative Frankel, having closed, Representative Frankel moves the absence of a quorum. All Members will push their green button. This is not a vote. [laughter] Greenstein, you can do whatever you want. The rest of you, if you are in your seat, please press your green button. The Clerk will unlock the machine and the Members will record their presence. Have all members voted? If all Members are present, you can go ahead and announce it formally. The Clerk will lock the machine and announce the presence of a quorum.

[A quorum was present.] [Session Vote Sequence: 3]

And so, Representative Frankel having closed on the Frankel amendment, the Clerk will unlock the machine and all Members in favor of the Frankel amendment will vote Aye; all Members opposed to the Frankel amendment will vote No. Have all Members voted? Have all Members voted? The Clerk will lock the machine and announce the vote.

Reading Clerk: 41 Yeas, 79 Nays, Mr. Speaker. [Session Vote Sequence: 4]

Speaker Feeney: The amendment is defeated.

[Amendment 2 failed of adoption and the question recurred on the adoption of HCR 1-A.]

Representative Byrd, I think at this point we are back on the main resolution, and, Representative Byrd, I have you down for 52 minutes and change remaining, and I'll yield 35 minutes to you—35 minutes to the proponents of the main resolution.

Rep. Byrd: Thank you, Mr. Speaker. I would yield 4 minutes to Representative Murman, Mr. Speaker.

Speaker Feeney: Representative Murman, you are recognized.

Rep. Murman: Thank you, Mr. Speaker. Members, you know since 1887, we have not had a presidential race contested. This is a very emotional issue for all of us here today and for many of the constituents here in Florida. There have been disagreements on both sides. And I know, back at home when we brought this up, my constituents are tired. They're also very confused; it's been chaotic. They want finality to this. But I think turning, that is the challenge, and we need to turn that challenge into an opportunity. We can do our duty as a Legislature and uphold the Constitution of which we took an oath to do. And then our

second is we can pull together, get back to work, and start doing the business for the people here in the state of Florida.

This has been a great classroom experience, not just for us—this is our classroom today—but also for our children, our future generations here in Florida. Almost every classroom is looking at what we're doing today. They're studying it. I think if you call back home, you'll find out. They are looking at a lot of facts here, a lot of astonishing things have happened. Florida's Supreme Court for instance, they've ignored the U.S. Supreme Court, they've overturned circuit courts, they've ignored the Legislature; three very historic things. Our state has been divided into two corners. And also our precious military, again looking at them, they're having to fight hard again to make sure that their votes are counting. But this, and that we're changing the rules, we're counting first and then changing the rules later. That lesson right there is something that we need to look at. We cannot teach our future generations that it's OK to do whatever you want, we'll change the laws, we'll change the rules later. We cannot let that happen, we need to let our future generations know that there are principles that we need to live by and it's right or it's wrong.

Speaker, you've done a great job, you've been a strong principled leader, and I really admire you for the work you've done. You've not been swayed by anyone and you've done your obligation to do what's right for all the Floridians here in Florida.

In summary, a justice for the Florida Supreme Court said, are we going to just reach out from some inspiration and put it down on paper? That inspiration I believe must be our duty as constitutional officers. It's not the Florida Supreme Court, they do not have the power to divine what is right and fashion the law to fit its will. We have that power, I want to be a part of Representative Byrd's group, the "do-something" caucus. We need to do something, that is our right and our obligation, and I thank you for the opportunity. [applause]

Speaker Feeney: Thank you, Speaker Murman. Representative Byrd.

Rep. Byrd: Thank you, Mr. Speaker. We would yield 4 minutes to Representative Littlefield.

Speaker Feeney: Representative Littlefield, you're recognized for 4 minutes for the proponents.

Rep. Littlefield: Thank you, Mr. Speaker. I'm sure that all of us could point to events in our lives that has had such a profound effect on us that it has influenced the way that we have lived from that time on. I was reminded of one of those turning points in my life last week—and as I was looking out my window on the 11th floor of the Capitol, that looks out over the Old Capitol down the Apalachee Parkway—if I looked straight down I looked into the plaza and on this particular day it was full of people. And I could hear their amplified chants. I could see several large placards that had been printed with a message of simply, "Shame on You." And that message of "Shame on You" was directed to us as legislators for calling a special session. It was that word "shame" that took me back to an incident in my early life. I was a preteen playing Little League baseball. I loved the game and our team was having a winning season this particular year; we were down to the last two games. If we won both of those games we would be involved in a third game, it would be the championship. And for various reasons, with just two games remaining, we only had nine players. Parents moving, injuries, whatever the reasons, we were just barely able to field a team. And even with those conditions we won those two games and found ourselves in the big game. A special game to be played under the lights on the high school field, it was a big deal for somebody our age. And for reasons that I cannot remember now I was late for that game. Twenty minutes late. And when I got there the coach and the manager were putting equipment back in the bags. There were little groups of parents and players standing around shaking their heads and when I arrived seemingly they all bombarded me at the same time, "Where have you been? Why are you late? We lost the game because of you." They lost the game because of me? "We never even played a game, what do you mean?" "We lost by default because we only had eight players." It was the first time that I had ever heard that phrase "lose by default." I felt

shame. I was ashamed. We had lost that game by default because of me. I did not show up on time. Lost by default; shame on me. And when I saw those placards and those chants of "Shame on You," I thought to myself that the only shame in all of this would be the shame of having to say to Florida's 15 million residents and Florida's 6 million voters, "lose by default." Not being a part of the electoral process; lose by showing up too late. Ladies and gentlemen, we have a responsibility to make sure that the state of Florida shows up and not lose by default. Thank you, Mr. Speaker. [applause]

Speaker Feeney: Thank you. Representative Byrd, you are recognized.

Rep. Byrd: Thank you, Mr. Speaker. We yield 4 minutes to Representative Bense.

Speaker Feeney: Representative Bense, as a proponent. You're recognized.

Rep. Bense: Thank you, Mr. Speaker. Members, I keep getting back to Article 2, Section 1, of the U.S. Constitution, which is where Speaker Feeney brought us last week—it's where we began. And I'll repeat it, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . ." Members, today we embark on a journey. It's a new journey. It's going to be an exciting journey. Two years ago when I was first elected to office I never dreamed I would be casting a vote of this significance, ever, but it's the right vote. It has to be done. We can't be part of what Representative Byrd called the do-nothing group. We have to do something. And two years ago, and in this past session, when I took the oath of office I promised to uphold and defend the Constitution of the state of Florida and the United States of America and I intend to do that this afternoon.

We've heard great speeches from both sides of the aisle, impassioned speeches from both sides of the aisle, but it's time to make a decision. It's getting close. The people of America are ready for a decision. I think it's incumbent upon us to help make that decision. In the early 1800s, speaking to a sharply divided Congress in the United States Senate, Senator Daniel Webster urged his colleagues to focus on the greater prize and I quote, he said, "Let our object be our country, our whole country, and nothing but our country." Members, remember this wise admonition before you cast your vote. Your country demands it of you. I'm in support of this fine resolution. Thank you, Mr. Speaker. [applause]

Speaker Feeney: Thank you, Representative Bense. Representative Byrd, you're recognized.

Rep. Byrd: Thank you, Mr. Speaker. We yield 4 minutes to Representative Miller.

Speaker Feeney: As a proponent of the resolution, Representative Miller, you have 4 minutes.

Rep. Miller: Thank you, Mr. Speaker. Like my colleague, Representative Jennings, I rise as a fifth-generation Floridian. As we all campaigned for our offices, the one thing I am sure of today, none of us expected to be taking a vote like this. In fact, I've heard many of my colleagues saying that we should not be here at all.

Please understand that there are those in Florida, particularly constituents back home in my district—that when I walked into a coffee shop or I was gassing my pickup or went to the feed store—they wanted to know why I was at home and not in Tallahassee taking care of the things that we needed to do here, in regards to this election.

I echo the comments of my colleague, Representative Maygarden, in regards to the rally that was held in Pensacola a couple of weeks ago. Three thousand people stood on the courthouse steps because of one particular issue and that was the overseas absentee ballot issue. No one, probably, will ever know how every voter intended to vote in this election. But we do know that thousands of overseas absentee ballots were rejected for technical reasons. This includes ballots that were

legally, legally rejected, or illegally rejected under clear requirements of federal law, as found by a U.S. District Court for the northern district of Florida in the Pensacola division, on last Friday.

Judge Collier and the court found that the Florida canvassing boards wrongfully rejected those federal write-in ballots from overseas and our military and civilians based on a lack of record that such voters had made timely application for state absentee ballots. The court also found that the oath taken by the voter, stating that the voter had timely applied for a state absentee ballot was the "best evidence" that this requirement had been met and that was the method of verification provided for by federal law.

Hundreds of ballots were rejected because they were not dated and because military post offices left off postmarks off of approximately one-third of these ballots.

It's apparent that thousands of ballots were thrown out, not because they did not record a vote, but because of technical issues and not because of voter errors. And we're not talking about dimples or pregnant chads here, but properly executed ballots that were never counted, not even one time.

Members, we have a charge to keep. I Corinthians, 4:2 says, "Now it is required that those who have been given a trust must prove faithful."

Like most of you, I have received thousands of e-mails, letters and phone calls on this issue. One e-mail in particular came from Mike Doyle, serving in the United States Navy. And he wrote, "Please do the right thing. Please make your decision wisely. I do not know if I am stepping out of line, but please pray before you make your decision. I was never much on praying, but in this case we need all of the help we can get. I am stationed on board the USS *Bunker Hill* and I have faith in our elected officials."

Members, the eyes of the world are watching what we do here today, just as the eyes of the world watched the framers of our U.S. Constitution as they prepared the document that is the base of all our laws. They tried to address every possible occurrence. They even addressed events such as our most recent presidential election. Clearly, we should be here today. Each of us has sworn an oath to uphold the Constitution of the United States of America and of the State of Florida. We have a duty to perform and we will perform it well. We have a responsibility to do and we will uphold it. Members, we have a charge to keep. [applause]

Speaker Feeney: Thank you, Representative Miller. Representative Byrd, you are recognized.

Rep. Byrd: Thank you, Mr. Speaker. We yield 4 minutes to Representative Harrington.

Speaker Feeney: Representative Harrington, you're recognized.

Rep. Harrington: Thank you, Mr. Speaker. One of the many hypothetical situations floating around involves the possibility of having two slates of electors presented to Congress on behalf of the State of Florida.

That is actually more than a hypothetical, or a remote possibility. It's a strong probability, in fact, it's the only proper result that can come from this special session. A critical point is that we have at least one slate of electors, regardless of to whom they are pledged, that can withstand the scrutiny of the United States Congress.

Currently, there is a certified slate of electors in the National Archives. However, that slate is vulnerable to a congressional challenge and they may be declared invalid.

When Congress decides whether or not to accept a slate of electors, there is a two-pronged test, which if passed, demands that the electors be accepted. The first prong is whether or not the election was conclusive and that all contests and challenges have been resolved. The second prong is whether or not the electors were selected under the laws in effect at the time prior to the election.

Florida's slate of electors, as it is now certified, fails this test because the lawsuit landslide continues and the Florida Supreme Court revised the law by exceeding the deadline.

Therefore, if the current slate of Bush electors is upheld and presented to Congress, or even if a court decides that the Bush electors should be replaced by Gore electors, there is a very real danger that either slate will be rejected and Florida will not be represented in the electoral college.

That is why the Florida Legislature must act now to appoint a set of electors which will pass that congressional test. We must ratify the set of electors that would have been chosen under the laws that were in effect on election day. By following the Florida law, we see that George W. Bush won Florida's popular vote as it would have been certified by the November 14th deadline.

In order to insulate the Florida electors from a potential challenge, we must support this resolution and we must appoint 25 electors so that Florida will have a valid, untainted set of electors available to Congress on December the 18th, and that 15 million Floridians will have their voices heard in selection of the 43rd President of the United States.

Thank you, Mr. Speaker. God bless Florida and these United States. [applause]

Speaker Feeney: Thank you. Representative Harrington yields back the balance of his time to Representative Byrd.

Rep. Byrd: Thank you, Mr. Speaker. We yield 4 minutes to Representative Lynn.

Speaker Feeney: Representative Lynn, you are recognized for 4 minutes as a proponent.

Rep. Lynn: Thank you, Mr. Speaker. As you all probably know this is an especially difficult moment in time for me because I come from a district which has certainly indicated that it is more Democratic than Republican. And so my being here as a Republican means that they have faith in me as a human being. It goes far beyond any partisanship.

I've listened to lawyers and it's amazing to me that Democratic lawyers seem to always interpret things one way while Republican lawyers seem to interpret things another way. And I wonder sometimes if I shouldn't go back to law school and decide for myself what it is I really interpret or how I interpret. I've listened to the judges and now I find that even these wonderful, honorable judges do not all agree. And then I listen to my colleagues and I find that even with our wonderful freshmen we have very persuasive people. And then I've had many partisan attacks and I have to say, Representative Frankel, there are other times when we have found that we could not compromise. However, I would say that this is probably one of the most important times. You are right on that.

I do not like partisan attacks. I have never run and never operated in a way that was partisan. I sometimes probably disappoint my party. I sometimes probably shock my Democratic friends. But right now, I have heard from people all over this state, all over this nation, far beyond just my own district. And we have all been elected here as State Representatives, State Representatives; that means we represent the entire state. Now, I'm in a position when I have to finally say it's kind of lonely right here and now. And I think every one of us is feeling that because while we have our colleagues and our friends and so forth, we have to answer to God and ourselves at this time.

I've listened to people talk about certified electors—that they're certified, so why do you do it again? And I frankly do not understand if we do it this time, what's going to happen that's so bad if they're already there? And so I really wonder about that. Why is it so horribly bad? Why do you see it that way? And then I hear about safe harbor and I've heard such double talk this morning about safe harbor that I wonder if people truly understand, at least some people, what that means. And then I've looked at the Florida Supreme Court and seen the United States Supreme Court stay their action. And that concerns me. And then I've heard that—oh, you've got to count all the votes and minorities and

women aren't getting counted and so forth. Well I must tell you if you are aware of what has been happening throughout this nation not every single vote is counted because there are flawed ballots and that's what is the truth. And for the first time we are finding that out and it is very disturbing and we're going to fix that. But I will tell you that the bottom line is either we allow Florida—

Speaker Feeney: Representative Lynn, if you will. Representative Byrd, would you yield an additional minute? You're recognized.

Rep. Lynn: Thank you, Mr. Speaker. The bottom line is that we either vote to include Florida in the electoral process in the selection of a President. We are there not to vote for "Gore" or for "Bush." We are there to make sure that Florida gets its electoral votes in, whichever happens to be certified. I want the people of Florida to be included in that process and the vote today is whether you want Florida to be included in that process or you want Florida's vote not to count at all. That's what this vote is all about, the only thing it's about. You must live with your conscience. I am voting for this resolution. I will hope you'll join me. [applause]

Speaker Feeney: Thank you, Representative Lynn. Representative Byrd, you're recognized.

Rep. Byrd: We yield 2 minutes to Representative Kendrick.

Speaker Feeney: Representative Kendrick, as a proponent you are recognized for 2 minutes.

Rep. Kendrick: Thank you, Mr. Speaker. Thank you, minority and majority party for allowing me to speak this afternoon. Representative Lynn, I too find myself in that same situation. I come from a district that is 74 percent Democrat, but yet, voted for Bush. So I can realize and recognize and appreciate your position as well.

Within a few hours or a few minutes now, most of us will cast a vote in which we will long remember. Matter of fact, this entire House will never forget this challenge.

We have heard both sides, we all have our opinions, we all have constituents that have supported us and opposed us. The evidence of this wound that this election will leave will not heal quickly.

We all take this very serious and understand this very important issue. We all know the importance of having our votes represented in Washington. I ask that we put aside our partisan politics, that we put aside our personal feelings, and that we call on that faith that we have. Now we must call on our own faith that we do the right thing at this time for the people that we represent.

Let's start that healing process today and let's start by sending this resolution, of the next ballot of electors, to the Senate side. Thank you, Mr. Speaker. [applause]

Speaker Feeney: Thank you. Representative Kendrick yields back the balance of his time. Representative Byrd, you're recognized.

Rep. Byrd: Thank you, Mr. Speaker. Our remaining time is?

Speaker Feeney: You have a total of 28 minutes. We're going to reserve the last 10 minutes to the proponents. We're going to reserve 10 minutes before that to the opponents of the resolution. So you have 18 minutes to play with, Representative Byrd, if you need them all.

Rep. Byrd: Thank you, Mr. Speaker. I yield 10 minutes to Representative Cantens.

Speaker Feeney: Representative Cantens, you're recognized for 10 minutes.

Rep. Cantens: Thank you, Mr. Speaker. Mr. Speaker and Members, what an awesome responsibility that we have been entrusted with by the founding fathers of this great nation. I want to thank you, Mr. Speaker, for the opportunity to have served on this committee over the past few weeks and congratulate all of our colleagues that served on that committee. There have been many long days and many short nights in preparation for this resolution.

We've heard about the United States Constitution and how it delegates the power to choose the manner of choosing electors directly to us, the Legislatures of each and every state. We've heard that the United States Supreme Court, back in 1892, the *McPherson v. Blacker* case stated that that power is absolutely and wholly with the Legislature of the several states. And it further states that there is no doubt of the right of the Legislature to resume the power at any time for it can neither be taken away nor abdicated. We heard these same words just a week ago when the United States Supreme Court cited to this very same case. We also have Federal Statutes that provide us further guidance as we travel through these uncharted waters. For we've heard about Title 3 of the United States Code, Section 2. And it states, and I'll quote, "Whenever any State has held an election for the purpose of choosing electors. . ." and obviously we have here in the state of Florida. And the next phrase is the most important part and the crucial part of this section, "and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the Legislature of such State may direct." Members, House Concurrent Resolution 1-A establishes a legislative finding that the election on November 7th failed to make a choice.

There's a reason for that language in that section, I think it's been alluded to earlier, we certainly do not want Legislatures across this country to overrule the will of the people. If this Legislature and this concurrent resolution was being proposed today because we did not agree with the certified slate because we are of an opposing view or an opposing party, that's exactly what that language is intended for—to prevent those kinds of situations. We have the contrary here. We have a certified slate of electors that are pledged to George W. Bush.

So how do we define that phrase, "failed to make a choice?" Well, we must look at the criteria that Congress itself will use when it comes time for them to make a determination as to whether or not our choice and our slate is conclusive. And that's found in Section 5, of Title 3, of the United States Code. We really have two requirements that Congress will look to: has it been made pursuant to laws that were enacted prior to the day fixed by law, prior to November the 7th, in a manner prescribed by the Legislature? We've heard about the laws in the election code in existence on election day. And the second requirement is that the final determination of any controversy or contest be made six days prior to the time of the meeting, that is today. Under both of these requirements, Congress can reasonably find that our electors should not be counted, thus our election has failed. We've heard about changes in the law, about certification dates. We've heard about changes in standards and criteria to be used for manual recounts, heard about changes in canvassing board decisions as to when manual recounts should be done. And you add to this the numerous allegations of uncounted ballots, overvotes, undervotes, dimpled chads, pregnant chads, possibly thousands of felons having voted illegally in this past election, military, overseas ballots, nursing home irregularities. In light of all this can anyone truly say that the November 7th election made a choice that was pursuant to our laws, a choice that is clear and definitive, but most importantly a choice that will not raise objections in Congress? A choice that Congress must accept? Clearly the answer is no. Ask yourself this question, if you were about to buy a home and the owner of that home wants to transfer title to you and give you a warranty deed but tells you I will give you this warranty deed and you give me the money but just so you know, there are a bunch of lawsuits out there trying to figure out who really owns the property, are you willing to pay the money for that home? Because that's exactly where we are at today. We have a certified slate that has a cloud over it. Ask yourself—the bottom line, worst case scenario that we could possibly find ourselves in—if Congress rejects the certified slate, any certified slate, what would you rather have, what would you prefer, what would you want to go back and tell your constituents happened: that Florida didn't count and Florida's 25 electoral votes were not counted when the electoral college met? Or, that we, the Florida Legislature, chose those 25 electors by adopting this resolution? Members, I urge you to support House Concurrent Resolution 1-A to ensure that we are counted. Thank you. [applause]

Speaker Feeney: Thank you, Representative Cantens.

Representative Byrd, you have 21 minutes left. The opponents have 55 minutes left. Do you think that you will need all 21 of your minutes?

Rep. Byrd: We will reserve that, all we need is the 10 minutes to close.

Speaker Feeney: Wonderful. Representative Frankel, you're recognized. We are now on the main resolution. Do you think that you'll need all of your 55 minutes?

Rep. Frankel: Yes, Sir. Mr. Speaker, we are ready to go.

Speaker Feeney: You're recognized.

Rep. Frankel: Thank you. At this time, Mr. Speaker. I would yield to Representative Gottlieb for 5 minutes.

Speaker Feeney: Representative Gottlieb, again thank you for serving on the Joint Select Committee and the Select Committee, you're recognized for 5 minutes.

Rep. Gottlieb: Thank you, Mr. Speaker, I was honored to serve. And if the Secretary of State felt that there was a cloud on the title or the certification she should not have signed it and the Governor shouldn't have signed it because that's when it was important, but now we do have a certification.

I'm convinced the people don't want conclusivity, or safe harbor, because basically I think only professors really know what those things are. The only thing I've heard from people is they want this done and they want it done now. The only problem is they don't want it over like this. They don't want politicians in the state Legislature deciding who's going to be their next President. It just doesn't make common sense, adding more lawyers and politicians, even adding the media to the mix, that doesn't bring a closure fast. In fact, all the words I've heard, that only makes things last longer.

This action is illegal. This action sets a dangerous precedent. And this action violates the basic tenets of our American democracy where our power comes from the people. I've heard my Republican colleagues say that we need to protect Florida's place in the electoral college, that we need to have a bulletproof slate of electors. According to the testimony I heard from respected constitutional scholars, we don't have a bulletproof slate of electors today. We aren't going to have a bulletproof slate of electors tomorrow. We are not going to have a bulletproof slate of electors if we do what we're going to do today. In fact, what we're doing in this Chamber, based on the testimony of scholars who really understand this, we're just going to make matters worse.

Prior to the election, this Legislature established the manner in which our state would choose its electors. We call it an election. The Congress chose the date we pick the electors and this year that was November 7th. In essence, what the majority is asking us to do is have a new election day where only the choice of a hundred and sixty politicians matter. Any attempt to pick new electors by the Legislature would be in violation of the federal law that says that electors must be chosen on the same day across the country. Fellow Members, simply put election day has passed; it is over. All that's left is to count the votes and determine the true winner and award the candidate our electoral votes. My colleagues on the other side say that this Legislature can do whatever it wants when it comes to choosing a presidential elector, because we have plenary power. Anything we want. What does that mean? Well, that means if we felt like it, we could always void the choice of the voters and have the Legislature elect the President. Don't worry, I'm from the government. I am here to help. Big Brother will take care of everything.

A Republican Legislature equals a Republican President. And a Democratic Legislature equals a Democratic President. The people would end up voting for their legislator who chooses their electors who chooses their President. You've heard about six degrees of separation; well this is six degrees of picking a President. Why don't we do that? Because it's undemocratic, it's un-American, and it's just plain wrong. There can be nothing more flawed than the process that this Legislature is considering. This action smacks of old-style party boss politics. The only thing missing is a smoke-filled room. Every time politicians go into

a room and come out with the next President the people are outraged. It happened after Hayes-Tilden and it can also happen after Gore-Bush. Let's shoot straight.

The special session is about accomplishing one goal and one goal only, to ensure the election for George W. Bush as the next President of the United States. This isn't about protecting Florida's electors. This is brass knuckles partisan politics at its very worst. I know that we'll be able to work together later, but that is what this is about. It's about who gets the best seat at the inauguration, who gets the spoils in the cabinet position.

Speaker Feeney: Representative Gottlieb, your time has run out. Representative Frankel, do you wish to extend Representative Gottlieb a minute, 30 seconds?

Rep. Frankel: Yes.

Speaker Feeney: You have a minute, Representative Gottlieb.

Rep. Gottlieb: Thank you, Mr. Chair, Mrs. Chair, Speaker. And who gets control of our nuclear weapons, just to end that thought.

For me this issue is more important than Bush or Gore. This is about how we elect Presidents from now on. This is about respecting the will of the voters and defending our democracy. In my district there are teachers with families struggling to make ends meet. There are firefighters working overtime to protect our families and communities. There are retired couples who work hard over a lifetime and voted in every election since Truman and never dreamed that the Florida Legislature would take their vote away.

The beauty of America is that all our votes are equal on election day, not one of our votes in this Chamber is more important than the vote of that teacher, firefighter, or retired couple.

Mr. Speaker, Members, let's not take their vote away. Thank you. [applause]

Speaker Feeney: Thank you, Representative Gottlieb. Representative Frankel, you are recognized.

Rep. Frankel: Thank you, Mr. Speaker. I yield to Representative Henriquez 4 minutes.

Speaker Feeney: Representative Henriquez, you are recognized.

Rep. Henriquez: Thank you, Mr. Speaker. Members, I rise to speak against this House resolution. I believe that it is a fundamentally flawed effort which creates a dangerous precedent that will have absolutely the opposite effect than that intended. But more importantly, I believe it violates the spirit of many of the principles that all of us have been sworn to uphold.

To me, this is a question of fundamental fairness and faith. Where I come from, the one with the most votes wins. Each of us knows if we examine our conscience that there are thousands of votes that have been left out of our certifications.

I wish I could believe that our purpose were as lofty as has been portrayed today. Unfortunately, I have this feeling that it is purely a political exercise. And we as a Legislature have given in to political expediency and our own individual bias for a certain desired result.

We have had our say. On November 7th, presumably each of us entered a voting booth and cast our vote for a presidential candidate. On that day, as in all days, we were the same as every other citizen. I'll never forget my first election day. As I stood outside the polling place holding a sign, I watched people, real people, stream in and out all day. And I realized that all the fundraising and walking of neighborhoods and debates and speeches, all that for 12 hours, the age-old assertion, "that all people are created equal" magically came to life in front of my own eyes. Whether they were old or young, male or female, black or white, rich or poor, each person had as much influence on the outcome as the strongest special interest or the deepest pocket lobbying firm. The election was truly in the hands of the voter.

How can we, as a body, cast another vote for President when so many people have had their vote go unrecognized? Members, examine your conscience. We must fight to validate every possible vote. To argue that we should not attempt to count all the possible votes simply because the time is up and—respectfully for my very good friend, Representative Littlefield, a good coach would have waited 10 minutes and won the game on the field—or that we, or simply because we have a flawed statute, is a disservice to our democracy.

Next, I'm disturbed greatly by the lack of faith, on each side, that has been exhibited during this process. Our system is built on faith, not simply religious faith, but faith in the ability of people to make that most fundamental of all decisions: to choose their representation. Faith that our elected officials, the canvassing board, citizen volunteers and others can carry out their duties in a fair and reasonable manner.

I'm mystified that we have suggested today and in the past few weeks that literacy tests, in exchange for voting rights, should again be part of our lexicon or that in some way our electorate is responsible for this mess. Today we have even sort of hinted around the fact that some of us in this room are unpatriotic. That's rhetoric unbecoming our position as legislators.

I ran for this office to better the lives of individual citizens of this state. And hopefully, if possible, to leave this institution better than it was when I arrived, but under no circumstances, to harm any of my constituents or this great body. And I'm afraid that we are in danger of doing both today with this effort.

Much has been made of the power we possess in this case. However, might does not make right and just because we have the power to act does not mean that we have to act. Sometimes the best course of action is no action. And discretion in this case is the better part of valor.

This resolution neither increases the likelihood of one or the other candidates winning or decreases the chance of a constitutional train wreck. In fact—

Speaker Feeney: Representative Frankel, would you yield an additional minute to Representative Henriquez? You are recognized.

Rep. Henriquez: In fact, I believe in quite the opposite. We are a nation ruled by laws, not men. Members of the highest court in this land are currently deciding this matter and we all know that's where it belongs. We should let this process play out, accept the results and get on with the issues our constituents sent us here to work on.

Members, the world is watching and our intentions will be evaluated for many years to come. Let your conscience be your guide. But in any event, when this is over, we should put this election saga behind it and all its negative aspects. Dare I say, perhaps we should put it in a lock box [laughter] and bury it in our distant memories. We owe, at least, that much to the citizens of the state of Florida. Thank you very much. [applause]

Speaker Feeney: Thank you, Representative Henriquez. He yields back the balance of his time. Representative Frankel, you're recognized. Representative Frankel.

Rep. Frankel: Thank you, Mr. Speaker. I yield 3 minutes to Representative Brutus.

Speaker Feeney: Representative Brutus, welcome and you're recognized.

Rep. Brutus: Thank you, Mr. Speaker. I rise today, Mr. Speaker, to oppose the concurrent resolution. As the first Haitian-American to sit in this Legislature I know all too well the meaning of voter disenfranchisement. I've seen it. I've lived it. And I take great comfort to know that my Cuban-American colleagues also know the meaning of voter disenfranchisement. They too have seen it. They too have lived it. And until their country is liberated from communist dictatorship, they will continue to hear the cry of their brothers in Cuba wanting to be free.

A large group of my constituents have been scarred by election violence in their own country. Some 10 years ago many people were

gunned down with ballots in their hands as they attempted to exercise their right to vote in Haiti. Mr. Speaker, that was voter disenfranchisement. Just a few weeks ago, before the presidential election in Haiti, seven bombs exploded in the capital city of Port-au-Prince and a seven-year-old boy was killed in the violence. That was an electoral crisis; we don't have an electoral crisis here, Mr. Speaker, we simply have a disagreement.

I believe we should let the process work, just like it is written in our laws. A large number of my constituents have put their lives at risk by crossing dangerous seas to escape political tyranny. All they wanted was to come to a country where they could be free, free to choose their leaders. Those who made it went through the rigorous process of becoming legal residents. They waited years to become U.S. citizens. Then they registered to vote as Americans. On election day these people stood proudly and gratefully in line, some for several hours, to cast their first ballots for the Presidency of the United States. Mr. Speaker, it would be impossible for me to go back to my district and tell my constituents that we, the Florida Legislature, took away their right to have their votes count. Many of my constituents thought that by coming to this great democracy, by working hard, playing by the rules, they would get their right to exercise the right to vote. Our action today can be seen as a *coup d'etat* against them.

Members, I beg of you to at least understand our position, to at least understand how hurt we would feel to realize that our votes have been cast away in the wind. I know most of you have already made up your mind, but remember history will judge us by what we do today. And history will not be kind to this Legislature should we proceed on this unfortunate course. As each of you cast your vote, I hope you will ponder this very important question of what this country and the right to vote means to people who had to flee dictatorship in search of a better life, like my family and those families of our esteemed Cuban-American legislators had to do in search of freedom and democracy. In closing. . .

Speaker Feeney: Representative Frankel, will you yield 30 seconds to the Representative? Thirty seconds.

Rep. Brutus: Thank you, Mr. Speaker. In closing, I do hope you will not put partisan politics above the rule of law and our peoples' voice. The concurrent resolution will not bring us any closer to resolving this situation. Indeed, I think it'll push us closer to a real constitutional crisis. I urge you, I beg you to please think very hard, think about what you're about to do and let the U.S. Supreme Court decide this matter. Thank you very much. [applause]

Speaker Feeney: Thank you, Representative Brutus. Representative Frankel, I have you for a little under 39 minutes left, including your 10 minutes to close before Representative Byrd is recognized. You're recognized, Representative Frankel.

Rep. Frankel: Thank you, Mr. Speaker. I would now yield to Representative Wishner for 2 minutes.

Speaker Feeney: Representative Wishner, welcome to the House and you're recognized.

Rep. Wishner: Thank you, Mr. Speaker, I appreciate that. Mr. Speaker and Members of this distinguished body, I am proud and honored to serve with all of you. We've met each other in the last 30 to 45 days and we've had some good talks. And we've talked about the issues that are important to the people of Florida. And I look forward to working with each and every one of you in a bipartisan way to make sure the dreams and the things that are needed to benefit our people of Florida are taking place.

The voters in my district have asked for only one thing, and one thing only, allow the votes to be counted. I've always thought that when you count the votes you get things right. The process was in place and was proceeding until the lawsuits were filed that stopped the counting. By the Florida Legislature passing this resolution we would be taking over the election process. We have all been elected by our respective districts to represent all of the people of Florida.

The electoral list has been put in place and by now the members have been certified and if we pass this it's going to cause some

disenfranchisement of those lists. I have not received any notification, if anyone has I'd love to see it, from the Federal Elections Commission saying that the certified slate is in jeopardy.

We must also be concerned when people in position of power feel that the judicial branch of government has no place in a country of laws. Our unanimous vote should be to direct the 45,000 votes to be counted, including our military votes from overseas. Floridians and Americans alike will judge our action if this resolution is passed to be a rush to judgment, and unnecessary, and wrong. I urge my fellow legislators to vote no on this resolution and let's just count the votes. Thank you, Mr. Speaker. [applause]

Speaker Feeney: Very well timed. Representative Frankel, you are recognized.

Rep. Frankel: Mr. Speaker, I waive 4 minutes to Representative Heyman.

Speaker Feeney: Representative Heyman, you're recognized for 4 minutes.

Rep. Heyman: Thank you, Mr. Speaker. I rise today to speak against this resolution. Our role as Florida legislators is to eliminate dangerous weaknesses that compromise the electoral process, not assert our position of power to achieve our partisan wants nor showcase the Legislature's lack of patience with the courts and lack of respect to the process. Lack of patience with and control of the judicial branch goes more to the call of this special session than a resolution proposed to ensure Florida's electors not merely reiterating 25 electors to George W. Bush. The concurrent resolution language rejects the voting process of our people while the special session rejects the judicial process for redress. Both are likely to prolong the legal challenges and further compromise public confidence. How ironic that the legislative cure to a counting crisis will create now what is a nonexistent constitutional crisis.

The outcome of this election, because of alleged injustices, is to be determined by law interpreted by our courts. Nowhere in Florida Statute or U.S. Constitution does language suggest nor support partisan performance of a legislative body to preempt the judiciary nor replace 6 million qualified casted Florida votes with a majority of Florida legislators and their vote. The guiding principles of Florida's election process has been language put forth by the Florida Legislature in Florida Statute. Interpreting the law is the responsibility of our court system as set forth in our Constitution and Florida Statute, including specific outcome language and addressing alleged injustices of statutory provisions.

The Florida Constitution and our oath of office do not support intervening to force results of an election through lack of patience ultimately ignoring or dismissing court findings. There's no language in our Constitution for the Florida Legislature to redesign the responsibilities and role of the Florida Supreme Court. Our responsibility in this body is to assure election integrity, not further instability to the process. As a legislative body we wrote the Florida Election Code and governing law that was in place on November 7. We should not short circuit the process. This legislative leadership and executive office has previously demonstrated their dissatisfaction with the judiciary, their desire to usurp their authority and reduce the power of our courts, ignore separation of powers and undermine the role of our courts to interpret law. This should not continue with the action in this resolution. Florida voters did not delegate their vote to the Florida Legislature and the judiciary did not abdicate their responsibility to the Legislature. Our situation is unprecedented. Colleagues, our actions today should not be unconstitutional. Vote against this resolution. Thank you. [applause]

Speaker Feeney: Thank you, Representative Heyman. Representative Frankel, you are recognized.

Rep. Frankel: Thank you, Mr. Speaker. I yield 2 minutes to Representative Peterman.

Speaker Feeney: Representative Peterman, welcome to the House and you're recognized.

Rep. Peterman: Thank you, Mr. Speaker. I rise today to speak against the resolution. First of all, I'd like to give honor to God on this day. Before the foundation of the world God preordained this day. He knew that men and women within these special Chambers would be given a choice today. I pray this day that our choice is within the will of God.

As a freshman legislator, I believe that the will of the people must always prevail. If people within our various legislative districts voted for a certain candidate, then the votes in those districts must become the ultimate voice of the people. For now, in my district, District 55 has yielded over 25,000 votes for Gore and over 7,000 for Bush. I'm proud of that victory. However, we should ensure that we listen to the demands of the under counted. Count every vote and let the process decide this election. To do otherwise would not be of the people and for the people, but rather let's forget the people.

As an African-American, it seems that we have been forgotten once again during this presidential process. But I won't forget the blood, sweat, and tears of those who have gone on before us. I cannot forget those people who died for the right to vote. Therefore, this special session is unacceptable to me and a recount is the only solution. So I say to my colleagues today, I won't give an inch. I will concede nothing. I will fight until the end for those who are living and those who are yet to come.

Speaker Feeney: Representative Frankel, can you yield 30 seconds for Representative Peterman?

Rep. Peterman: I'm done.

Speaker Feeney: Thank you, Representative Peterman. [applause] Representative Frankel, you're recognized.

Rep. Frankel: Thank you, Mr. Speaker. At this time I would yield 2 minutes to Representative Ausley.

Speaker Feeney: Representative Ausley, you're recognized as an opponent to the main resolution.

Rep. Ausley: Thank you, Mr. Speaker.

I'm honored to be a newly elected Member of the Florida House of Representatives representing Tallahassee which is my home and our state capital. And I'm also proud that six generations of my family have called Tallahassee home, including my grandfather who served across the hall in the Florida Senate. As a native of Tallahassee, I have been privileged to grow up in and around these institutions that support our democracy, instilling in me a great respect for public service and our system of representative government. This system of democracy has served our country well for more than 200 years. And the very foundation of our democracy rests upon the separation of powers, three branches of government that operate independently of one another. Although, it is not unexpected that these branches might disagree, it is dangerous when one branch of government does not respect another.

It is our independent judiciary that sets us apart from the rest of the world. And when we start to cast doubts upon this branch we threaten our entire system of democracy. As we embark into uncharted territory today, I urge my colleagues to tread cautiously and to think carefully about the actions we propose. We must not be perceived as overriding the will of the people or undermining the independence of the judiciary.

We're standing here today because we were elected to represent the will of the people, not to substitute our will for theirs. For that reason, I stand to speak against the resolution and I urge all of my colleagues. Thank you. [applause]

Speaker Feeney: Thank you, Representative. Representative Frankel, you are recognized.

Rep. Frankel: Mr. Speaker, I yield 4 minutes to Representative Wiles.

Speaker Feeney: Representative Wiles, you are recognized for 4 minutes as an opponent.

Rep. Wiles: Thank you, Mr. Speaker and Members. The issue of appointing electors by the Legislature appears simple on the surface. But the course of action this body contemplates goes to the very core of our Constitution and the election laws which have set our great country apart from all others.

None of the issues that we face today fit neatly in the kind of short sound bites that you and I and many other Americans have frequently heard in newscasts or read in the newspapers. The arguments are complex and the outcomes are unclear. The steps we are about to take will not bring this matter to a prompt conclusion or bring any form of certainty to the outcome of the presidential election. Rather, this House resolution is surely to cause additional confusion and litigation and most certainly establish new precedents that our country will use in future presidential elections.

By declaring that the November 7th election failed to identify a popular vote choice for President, the resolution casts constitutional and legal doubt on the Governor's earlier and Florida's only certification of electors and would likely give rise to unpredictable congressional action. Many constitutional scholars warn that creating an additional set of electors, by this Legislature, could disenfranchise all 6 million Florida voters who took time to exercise their right. Further, our action will serve only to further politicize this issue at a time when we need to begin bridging our growing partisan gaps rather than further dividing our state and our nation. We should focus on the election process, not on partisan politics. We must be diligent to avoid establishing a precedent that could dramatically alter our system of electing our President. With so much at stake, I believe our founding fathers and the great statesmen of the past would advise caution and great care as we journey across this uncharted portion of our U.S. Constitution. That prudence should govern our action here today.

But my opposition to this resolution is not limited to these specific reasons. John Locke, the political theorist and author of the *Second Treatise on Government* once said, the Legislature or supreme authority cannot assume to itself the power to rule by extemporary arbitrary decrees, but it is bound to dispense justice and decide the rights of the subject by promulgated standing laws and authorized judges. We are not here in an attempt to usurp one branch of government in favor of another. We're not here to give our opinion on the judiciary regardless of our personal thoughts on their actions, because, quite frankly, that is not our job. Our job is to represent our constituents and to be trustees of this great state. We are elected to create public policy, not to interpret it or to judge it. Ladies and gentlemen, sometimes political expediency runs contrary to defending the cause of democracy. None of us here ever thought or dreamed that this Legislature that we are in would be the corner on which our democracy would turn. Today we have a responsibility that is just greater than representing our constituents. Our actions will have a lasting effect on our government and the generations of Americans and Floridians who follow us. Unfortunately, none of us knows what that effect will be. Mr. Speaker and fellow Members, today is our test. Prudence must be our guide and, ultimately, history will be our judge. Thank you. [applause]

Speaker Feeney: Thank you, Representative Wiles. Representative Frankel, you are recognized.

Rep. Frankel: Mr. Speaker, I yield 3 minutes to Representative Lee.

Speaker Feeney: Representative Lee, you're recognized for 3 minutes.

Rep. Lee: Thank you, Mr. Speaker. And to my colleagues, I rise, but before I move into my comments, I must say, I reluctantly rise. Initially, I did not want to speak when I was told everyone would have an opportunity, because, like so many of the voters, you really feel, does my vote really count, seventy-seven, forty-three? But if you preach something, you should do it. So here I am.

I rise to cast a vote against Concurrent Resolution 1-A that has been presented by the majority party. Certainly, there has been a very frustrating period for me—certainly as a legislator, voter, and more

particularly a lay person—like the other 6 million or more people that cast their votes on November the 7th. And I believe that that same frustration holds true for my colleagues on the other side of the aisle.

My dissatisfaction is definitely the result of the unresolved problems of this election that exist and continue to exist. And what are these problems? Number one, the resolution that is before us today, as I see it, it is not needed; because, a certificate of ascertainment of the electors, that was certified by the Elections Canvassing Commission, was communicated by the Governor of Florida to the Archivist of the United States, pursuant Title 3, United States Code, Section 6. I believe to say that there was no finality brought about as it relates to our electoral process is an erroneous statement for any of us to make, whether you are a Democrat or a Republican.

If this slate is now submitted, does the Governor send this document, once again to the National Archives or does it go through an amendatory process? Meaning, will the Canvassing Commission reconvene itself and vote, or can the Governor solely amend it himself by the stroke of a pen? This question has not been answered.

Is this an amendment of the statute? And if so, isn't it true, in order to amend the statute we have to pass the statute? Is this resolution, is this a resolution amending the statute? So, it seems to me, since the National Archives has already received a certificate of our electors, it has a legal obligation to pass on the certified electors. And the only way that the already certified electors can be rejected is by the act of Congress. Therefore, I have no other alternative but to vote no.

Now, I cannot consciously cast another vote in the affirmative, when in fact, so many of my constituents'—in Duval County—votes have not been counted. Specifically in the predominant African-American precincts and very quickly, I would just like to show you a pattern.

Speaker Feeney: Representative Frankel, would you like to yield another minute to Representative Lee?

Rep. Lee: And I will close. There are several precincts in Duval County where a pattern was shown. For instance, 7G, 21 percent undervoted, 134 percent overvoted; 8G, 11 percent undervoted, 163 percent overvoted. That is just an example of some African-American precincts. And I could go on and on to show you exactly what has occurred.

I close by saying one thing, there are only two votes we should be casting today: voting to allow those whose votes were not counted to be counted—and certainly that's before the Supreme Court now—and, number two, voting for voter reform. Thank you. [applause]

Speaker Feeney: Thank you. Representative Frankel, you're recognized.

Rep. Frankel: Thank you, Mr. Speaker. I yield to Representative Kosmas for 6 minutes.

Speaker Feeney: Representative Kosmas you're recognized for, was that 5 minutes, Representative Frankel? You're recognized for 5 minutes.

Rep. Kosmas: Six she said.

Speaker Feeney: Six minutes.

Rep. Kosmas: It's Kosmas, Mr. Speaker, Kosmas.

Speaker Feeney: I apologize.

Rep. Kosmas: Thank you, and I hope, Mr. Speaker, that you appreciate this exercise that we provided for you to get to know every one of our freshman speakers in one day.

Mr. Speaker, and Members, I would like to say, that the reasoned and passionate debate that we have heard today provides the backdrop for probably the most crucial decision any of us as legislators may be ever asked to make.

The most critical and dangerous issue at hand, in my view, is not who ultimately will occupy the White House for the next four years, but

rather the effect of the Legislature's unnecessary and unlawful seizure of power not granted to it in the U.S. Constitution. One can reasonably argue, and I suspect you all would agree with me, that Florida's election equipment is, in many instances, outdated. Or, you can argue that the standards established in our law are vague, albeit they ultimately and finally do defer to the intent of the voter. But, while Florida's laws are our creation, the notion that we have the power to contravene federal law—that is to change the manner of selecting electors after an election has taken place by popular vote—is misleading to the point that it borders on arrogance and has the potential to lead to corruption, the very thing the U.S. Constitution and our statutes are designed to prevent. Not only is it unlawful to change the manner or law after an election has occurred; but we attempt to do so by a concurrent resolution, which, by our own Rules and by legal definition is not a mechanism which carries with it the weight to effect a change in Florida law. We take this action in direct violation of our own House Rules, establishing a new and dangerous precedent. These precedents, as you know, provide the basis for interpretation of future actions. Our misuse of these, in establishing this precedent, is a very dangerous thing. The concurrent resolution, as I said, is relegated for uses that do not have the effect of changing law, but in addition do not require the concurrence of the executive.

If we take the power, or assume that we have the power to change the law without the concurrence of the executive, then where lies the balance of power between our branches of government which has provided the stability on which we all rely, and have relied, and has stood us in good stead for 200 years? Do we feel the power relegated to us to be so absolute that we begin by violating our own Rules? Do we feel the power relegated to us is so absolute that we ignore the Florida law, in place prior to the election, thereby potentially ignoring the will and the votes of our constituents? Do we feel the power relegated to us is so absolute that we avoid the checks and balances of the executive branch? Do we feel the power relegated to us is so absolute that we preempt the judicial process taking place as we speak? Does this notion of power lead us to become the first state in the nation to arrogantly interpret plenary power by ignoring its constitutional reservations—namely in this instance, the federal requirement that state law be established prior to the election date and prescribing that the popular vote is the manner for selecting electors? Do we feel that the power relegated to us is so absolute that we are willing to act and thereby set the stage for a real constitutional crisis? What prevents, then, any state from enacting a similar resolution after the fact of a popular vote and to include the words that we have before us in this resolution on page 3, line 24, "That the Florida Legislature finds that the election for electors for President and Vice President of the United States of America held on November 7, 2000, ultimately failed to make a choice of such electors?" What would preclude any state then, from enacting a resolution, after the fact, and declaring for itself the power to determine who the electors for that state would be? Could any Legislature assume that power, find that an election has failed by merely politically divining, fashioning, or creating a failure or even in the instance of a legitimate contest, then, craft the power for itself to change the outcome of the popular vote within its state? If you look at this year's election for example, there are nine states which have Democrats elected in the Legislature; those nine states certified to the National Archives their electors on behalf of Governor Bush. Imagine that these legislative bodies determine their power to be so absolute as to grant themselves the authority to select or appoint the state's electors at any time it is convenient for them to do so. Our actions create a recipe for disaster and a real constitutional crisis.

Speaker Feeney: Representative Frankel, would you like to yield 30 seconds to Representative Kosmas?

Rep. Frankel: Yes, Yes, I'm sorry.

Speaker Feeney: You're recognized, Representative Kosmas.

Rep. Kosmas: Thank you. "Such a precedent, once set," in the words of Professor Ackerman, would "gravely undermine the legitimacy of the presidential office on a permanent basis and severely damage the entire constitutional structure." On those words, I urge you to consider

this consequence and I speak in opposition to the amendment. Thank you.

Speaker Feeney: Thank you. Representative Frankel, you're recognized.

Rep. Frankel: Thank you, Mr. Speaker, I yield to Representative Bucher for 1 minute please.

Speaker Feeney: You're recognized, Representative.

Rep. Bucher: Thank you, Mr. Speaker. I rise today to speak against this resolution and also to voice my opposition to the vehicle of a concurrent resolution being used, in an unprecedented manner, to change our statutes of law so as to facilitate a particular timetable. The language in this resolution serves not only to rob the 6 million Floridians who came to the polls to have their voices heard, but it also circumvents the voices of millions throughout the country who faithfully came to the polls on election day, as this unlawful resolution may decide who will be our next President rather than the votes and the voices of the people. Thank you, Mr. Speaker.

Speaker Feeney: Thank you, Representative. Representative Frankel, you are recognized and you have a total of 11 minutes and 20 seconds left.

Rep. Frankel: Thank you, Mr. Speaker. I'm going to yield to Representative Weissman for 3 minutes.

Speaker Feeney: Representative Weissman, welcome to the House and you're recognized for 2 minutes.

Rep. Weissman: Thank you, Mr. Speaker. Members, I rise in opposition to the concurrent resolution. History shows us that the action that the Florida Legislature is poised to take is misguided and unlawful. Nearly 140 years ago, the Florida Legislature convened in special session to decide the immediate fate of the then 65-year-old Union. At that time, history demanded that our legislative forebearers navigate between partisan politics and statesmanship. A vote for or against the Union required each Member to look deeply into his soul and to decide what was best, not only for the America of that day, but indeed for the America of an uncharted distant future. Today, what is at issue before this body is of no less historic import, for we have placed before us the question of how the President of the United States, the most powerful individual on the face of this planet, shall be chosen. In essence, to support this resolution, we become the most powerful voting bloc in American history. It is a sobering and daunting prospect and it is simply wrong. That is not the intent of what the law of our land says. Without question, we will remember this vote 'til the end of our days and we will be judged by the decision we make. I challenge each of us to see beyond today, tomorrow, or next year and to grasp the deep significance that our voices and votes may have for generations yet to come. Let us not be like corporate executives who consider only the next quarterly report, but rather leaders whose sole concern is the long-term health of the entire enterprise. In a democracy, the voters don't give an advisory opinion, they give the only opinion.

Speaker Feeney: Thank you, Representative Weissman, do you desire additional time? Thank you, Representative Weissman. Representative Frankel, you're recognized.

Rep. Frankel: Mr. Speaker, I would yield 2 minutes to Representative Lerner.

Speaker Feeney: Representative Lerner, you're recognized for 2 minutes.

Rep. Lerner: Thank you, Mr. Speaker. Members, I rise to speak against House Concurrent Resolution 1-A which seeks to subvert, disqualify, and nullify the 6 million votes cast by Florida's voters. That includes the 19,632 votes cast for Vice President Al Gore, and the 14,185 votes cast for George Bush in District 119. I stand against the systemic injustices suffered by thousands of voters—both absentee and in person—examples of which we heard for several hours during the Select Committee hearings, yet this body seems resolved to ignore. I stand against the impatience and intolerance for the rule of law exhibited by

those who have called for this special session and against the arrogance of power asserted by those who believe we can, therefore we must override the popular vote. I stand against the hypocrisy of those who are traditional, strict constructionists when interpreting the U.S. Constitution, case law, and the U.S. Code, yet have for these purposes only given extremely liberal interpretations to the Constitution, the U.S. Code, and case law, just to achieve the desired results. I stand convinced by the testimony and the opinions of constitutional scholars, that Floridians who voted on November 7th made a choice which resulted in a successful election and that our power to impact that decision ended 50 feet outside the election booths on that day. I take no honor in having to cast my first vote in this special session, for I believe that our actions today only contribute to the chaos.

Speaker Feeney: Thank you, Representative Lerner. Representative Frankel, you are recognized.

Rep. Frankel: Thank you, Mr. Speaker. I would yield a minute and a half to Representative Holloway.

Speaker Feeney: Representative Holloway, welcome and you are recognized for a minute and a half.

Rep. Holloway: Thank you, Mr. Speaker, Members. I rise today to speak against the resolution. I am reminded of the words of the "Negro National Anthem" which states in the second verse that "we have come, over a way that with tears has been watered, we have come, treading our paths through the blood of the slaughtered." "Yet with a steady beat, have not our weary feet come to this place for which our fathers sighed?"

I rise today, more importantly, to give a voice to my constituents and their frustration with what is happening here. I represent a lot of people who aren't credited with great power or wealth. They work hard and struggle and yet they hold a deep belief in our democracy. Once every four years they make time to gather at schoolhouses and churches to cast their votes for the President of the United States—many churches that were bombed in the '50s and '60s and burned just in the '90s here in our state.

We have a principle in this nation that the polling booth harbors the seed of equality. Regardless of sex, status, religion, or race, their ballot carries equal significance to any other.

Speaker Feeney: Representative Holloway, would you request an additional 30 seconds? Representative Frankel, will you yield 30 seconds for Representative Holloway? You are recognized.

Rep. Holloway: Yet, either through intent or indifference the case cannot be made for this election. The evidence is clear in this regard from Milton to Marathon from Palatka to Pahokee. The percentage of minority community votes thrown out is disproportionate to a level that boggles the mind and tarnishes the legitimacy of this result. We cannot afford to turn a blind eye to the facts while simultaneously turning our backs to our founding principles. Every vote must count, lest we set a dangerous precedent.

Speaker Feeney: Thank you, Representative Holloway. Representative Frankel, you've got 3 minutes and 55 seconds and you're recognized.

Rep. Frankel: Thank you, Mr. Speaker. I would yield that 2 minutes to Representative Meadows.

Speaker Feeney: Representative Meadows. Senator, Representative, welcome to the House. You're recognized.

Rep. Meadows: Thank you very much, Mr. Speaker and fellow Members. I rise today because I'm reminded of excitement in the eyes of the people who are registered to vote in my district, at the malls, the churches, club meetings, homeowners meetings, this year. Many of those individuals were Haitians, Hispanics, Jamaicans, and from other Caribbean nations. These people registered as Republicans, NPA's and Democrats. Some were excited because they had waited years to become citizens, individuals who would now be able to vote without fearing bodily harm.

I stand here today, Mr. Speaker and Members, because I hate to see these peoples' votes taken away from them. They want their votes to count and so do I. Not only were they excited about registering to vote, rather because: they came out to many of the elections, and the municipal elections this spring, primaries, the run-offs, and in November. These people use walkers, crutches, wheelchairs, and any means necessary to get to the polls and exercise their right to vote. Those who couldn't drive called and asked for rides to the polls. These people who even braved heavy rains to come out to exercise their rights to vote, they want their votes to be counted and so do I.

I'd like to close by using a statement from one of my constituents who at the rally recently, they said first affirmative action, now my vote, what will they take from me next? This will not stop me, it will only make me stronger. Maybe we need to amend the pledge of allegiance where it says "freedom and justice for all" two additional words "some day."

Thank you, Mr. Speaker. And I urge you to vote against this resolution.

Speaker Feeney: Thank you, Representative. [applause]

Representative Frankel, you're recognized.

Rep. Frankel: Thank you, Mr. Speaker. I yield the balance of the time to Mr. Seiler.

Speaker Feeney: You're recognized. You've got 1 minute and 33 seconds.

Rep. Seiler: Thank you, Mr. Speaker. I rise today to speak against the resolution. And in the short time I have remaining I just want to touch on one last legal point that, I think has been overlooked here today. The determination of a controversy as to the appointment of electors we have been directed to look to the U.S. Code, Title 3, Section 5 which states that the state of Florida must provide by laws any determination of controversy or contest concerning the appointment of our electors. Article VI, Section 1 of our Constitution states that the "Registration and elections shall . . . be regulated by law. . . ." And I think that is one important fact that we have overlooked throughout this process since last Friday, and Monday, and today, and this that we are passing is not a law. After leaving here last Friday I went to *Black's Law Dictionary* and looked up what a resolution is, it is merely: "A formal expression of the opinion or will of an official body or a public assembly. . . ." And, in the case of *Baker v. City of Milwaukee* such is not a law but merely a form in which a legislative body expresses an opinion. So, before we vote on this resolution, I think we need to realize that we are not passing a law, we are merely expressing an opinion as a body, and, as such, I am going to vote against this resolution. Thank you, Mr. Speaker.

Speaker Feeney: Thank you, Representative. Representative Frankel, the opponents are pretty much out of time unless you can say a heck of a lot in 3 seconds. Actually, I've just used your 3 seconds. I wonder if Leader Frankel would be willing to take a short 5 minute recess, maybe she and I can confer about the timetable for the next 45 minutes or an hour. And maybe we can conclude our business for the day. Representative Frankel, if you have an opportunity we can discuss the timetable up here and the Members will stand in informal recess and I don't expect to be more than 5 or 10 minutes so at the call of the Chair. If you'll stay close and get a drink and refresh we'll be back in a few minutes.

[The House stood in informal recess at 3:03 p.m., and reconvened at 3:18 p.m.]

The House will come to order and the Members will take their seats.

Before I recognize Representative Frankel for a motion, Representative Byrd, would you advise the Chair as to how much of your remaining time you think that you'll be inclined to use?

Rep. Byrd: Mr. Speaker, it is our intention to use 10 minutes.

Speaker Feeney: Thank you. Representative Frankel, do you have a question of the Chair?

Rep. Frankel: Mr. Speaker, I would request 5 more minutes for our side here so that I can make a close.

Speaker Feeney: Let's put that in the form of a motion. Representative Frankel moves that the opponents of the resolution be given an additional 5 minutes.

Ladies and gentlemen, we have a Special Rule; it takes two-thirds to waive that rule. I would suggest that the debate has been remarkable in many respects and I'll comment on that after the vote. But Members can vote how they please, but I'm going to vote in favor of the motion, if it helps. [laughter] Representative Frankel having moved that the rules be waived and the opponents to the resolution be granted an additional 5 minutes. All those in favor say Aye, all those opposed, Nay. [voice vote] Well done. Representative Frankel we'll put 5 minutes back on the board and you're recognized.

Rep. Frankel: Thank you, Mr. Speaker. Well, Members, I won't say it's been a great day in the state of Florida, but it certainly has been historic. You know we heard many moving stories today, about how people crossed treacherous seas, to escape tyranny, or to fight for democracy, how men and women have marched and fought and struggled to get that very precious right we call the vote. So it saddens me today to say that I believe that what we are about to do is unjust, it's unnecessary, it's illegal.

It's unjust because what happens, colleagues, if Al Gore gets his recount and he wins this vote, how would that be fair, for us to be sending up electors pledged to George Bush? It's unnecessary because if Al Gore does not get his recount, he does not win the election, then why do we need two slates of Bush electors? And it's illegal because this election has come and gone and we have no more lawful authority to call another election here for 160 state representatives.

And I want to also say that I believe this action is neither conclusive and it's dangerous. It's not conclusive, because I can assure you that this will bring on one more lawsuit in one more federal court challenging this action. And actually we're going to be extending what we say we are trying to stop. It's very interesting to me that in our very resolution we state that our election has ultimately failed, that on November 7th we ultimately failed to make a choice. Why would we do that and why would we void our own electors?

And as I have said before this is very dangerous, because what is to stop other legislators at other times to move forward in a similar fashion when they don't like the results of a popular vote and then they substitute their will for the will of their citizens. And this is the ultimate partisan act. Because it's a guarantee win for only one candidate.

Once again I remind you folks that as we sit here today there are nine justices in the highest court who are sitting in judgment of our election contest. And I say to you we need to respect their judgment and respect the rule of law and respect the right of all our citizens to have their votes counted.

And, Mr. Speaker, I thank you for your courtesy and I urge the Members here to vote against this resolution. Thank you, Mr. Speaker.

Speaker Feeney: Representative, thank you, and thank all the opponents for the way they conducted themselves today. Representative Byrd, you're recognized for 10 minutes to close on the resolution that's before the House.

Rep. Byrd: Thank you, Mr. Speaker. We're now at a point where we have to stand up and be counted. This past week and the week before, actually, when I was on the Joint Select Committee, I carried a picture in my pocket. It was a picture of my 20-year-old daughter, who is in the United States Navy. And she has her camos on, her M-16 rifle, helmet, in front of a tank. I didn't know they were that big, but it's she's that small, maybe. But, she's ready, willing, and able to, when the day of decision comes, to do what she can do, to do her duty to support, defend, and protect the Constitution and government of the United States of America.

And the members of the Joint Select Committee—we had some testimony from young 19 and 20-year-olds that provided me a little bit

of my daughter—they were very much of another political philosophy and very much ready to talk about how their rights had been trampled upon and how they were political activists and—one of them in particular, reminded me of my daughter. I was thinking the whole time she was testifying that my daughter would gladly do her duties to protect the right of this young girl to come here and seek redress with her government.

And we've heard a lot of stories about what would Alexander Hamilton do and what would Madison do and I can't help but tell you one more. Thomas Jefferson and John Adams were bitter, bitter political rivals; they fought like dogs and cats. Adams was a Federalist, believed in a strong federal government; Jefferson was a Jeffersonian Republican. But nonetheless they were close friends and they wrote each other until the day they died, back and forth. About forty years after the Revolution, Adams approached Jefferson about perhaps collaborating on a book or probably a series of books that would be the history of the American Revolution. And Jefferson wrote Adams back in 1815 and said this, he said, "Dear Sir: On the subject of the history of the American Revolution, you ask who shall write it? Who can write it? And who will ever be able to write it? Nobody." And I believe that Jefferson was right. And I am convinced that no one will ever write the final chapter of the American Revolution or the American experience.

And so those guys that sat around tables and wrote those documents with candlelight are just like you and me. They were just like all of us here today. And we have a chance today to write another chapter in the history of the American experience.

Some people would say that we have a constitutional crisis, most notably, the Chief Justice of our Supreme Court. Others would say that we are simply experiencing the healthy tension between the various branches of government. I think each of us has to decide in our own heart where we are in that spectrum.

And so it goes, I think that Jefferson and Adams were not the only heroes. I think that everyone in this room is a hero—not those that just served on the committee, not those just in the front—that includes everyone in the room; all 120 of us are heroes. And I think that when I look back forty years from now and Doug Wiles approaches me to write a book of history of the political history of Florida, I'll tell him that we can't write it, Doug, because we have a great country and we can't write the final chapter.

In our church, Jerry, we have a prayer for heroic service and where we pray that prayer—I always thought it was for military, for military heroism. But I'll tell you this, every time now when I read this prayer, I'll think about each one of you in this room; what good friends you are, what patriots you are, what heroes you are.

And I'll just leave you with this, "A Prayer for Heroic Service."

O God, O Judge of nations, we remember before You with grateful hearts the men and women of our country who on the day of decision ventured much for the liberties we now enjoy.

Mr. Speaker, it's an honor to serve you and it is an honor to protect and defend the Constitution of the United States of America. [applause]

Speaker Feeney: Representative Byrd having closed, I believe Representative Frankel would move the absence of a quorum. Every Member will please record their presence. The Clerk will unlock the machine and the Members will record their presence.

The Clerk will lock the machine and announce the presence of a quorum.

[A quorum was present.] [Session Vote Sequence: 5]

A quorum being present, Representative Byrd having closed on the resolution, the Clerk will unlock the machine and all Members will vote Yea if you favor the resolution, Nay in opposition to the resolution.

Have all Members voted? Have all Members voted? The Clerk will lock the machine and announce the results.

The Clerk: 79 Yeas, 41 Nays, Mr. Speaker. [Session Vote Sequence: 6]

Speaker Feeney: And so by your vote the resolution passes. [applause]

[HCR 1-A was adopted, as amended, and under the rule immediately certified to the Senate.]

Ladies and gentlemen, it's been a long day and we've got just one or two more short items of business to conduct and I wanted to give the House a little bit of advice about what may be next. I should suggest to you we've never done this before so like most people all I can do is give you my best guesstimate. I would suggest to you that I would hope that the United States Supreme Court may render moot what we did today. I think a lot of people hope for that. I hope the Florida Senate does not render moot what we did today, but I hope the United States Supreme Court does.

And secondly, I'd like to tell you briefly just how proud I am of every Member of the House. Lincoln said in his famous Gettysburg Address, as I recollect, that the world would little note nor long remember what we said here today but they would forever remember what we did here today. In fact it is pretty much the opposite; most people don't remember they were there to dedicate a cemetery. And every great American patriot remembers what Lincoln said at the Gettysburg Address. I'm not sure that much of America will remember what we said here today, but I think they will remember that 120 of us, in a very respectful way, tried to discern what our duty was, and 120 proud and patriotic Members of the Florida House did their duty. And I am proud of all of you, whether you were for the resolution or against the resolution. I think that each

of us did our duty as we understood it. And I want to tell you that I think if the founders were here, and I am known as being a big admirer of our founders, I think they would have been very proud of the way that government was conducted in the sunshine and the peoples' business was conducted in the Florida Legislature today. This might be the most important issue that any of us ever vote on in our lives. The philosophical divisions in the Chamber were deep and they were serious. And the beliefs held were both profound and strong on both sides. But the Members did not allow the seriousness of the matter to ever lead to personal animosity. These issues were addressed with eloquence on all sides. Many of these, in some cases, were maiden speeches from our new Members. But all of the speeches, in my view, were conducted with remarkable civility, lack of redundancy, and great intellect and I am proud of each and every one of you whether you took to the floor or not to express your views.

I think all of us should be proud of the way the proceedings were conducted today. Representative Frankel, Representative Byrd, first time we've conducted a Special Rule like this. I think it went tremendously well and I'm very grateful for the way each of you, and every member of the teams for both the proponents and the opponents, conducted themselves. Obviously, we made some history here today. I think we did so by having a great debate about the Constitution, about the law of the United States, about the law of the state of Florida, about the rule of law, and about our duty. And I am grateful to each of you that participated. And I would leave you with one last thought: if we can accomplish the next two years, on issues for the most part far less consequential than this, what we accomplished here today—we're going to have a great two years. Thank you very much. [applause]

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages numbered 1 through 60 , inclusive, are and constitute a complete, true, and correct journal and record of the proceedings of the House of Representatives of the State of Florida at a Special Session of the 80th House since Statehood in 1845, convened under the Constitution, held December 8 through December 12, 2000.

Tallahassee, Florida
December 12, 2000.

Clerk of the House